



EMERGENCY SHELTER AND TRANSITIONAL HOUSING

By the End of This Session You Will Be Able to:

- Know and use laws and government publications to advocate for access to transitional housing and emergency shelter for immigrant survivors
- Help immigrant survivors gain access to transitional housing programs that impose self-sufficiency or employment criteria

Participant Poll

- What questions and issues would you like answered by the end of this workshop?

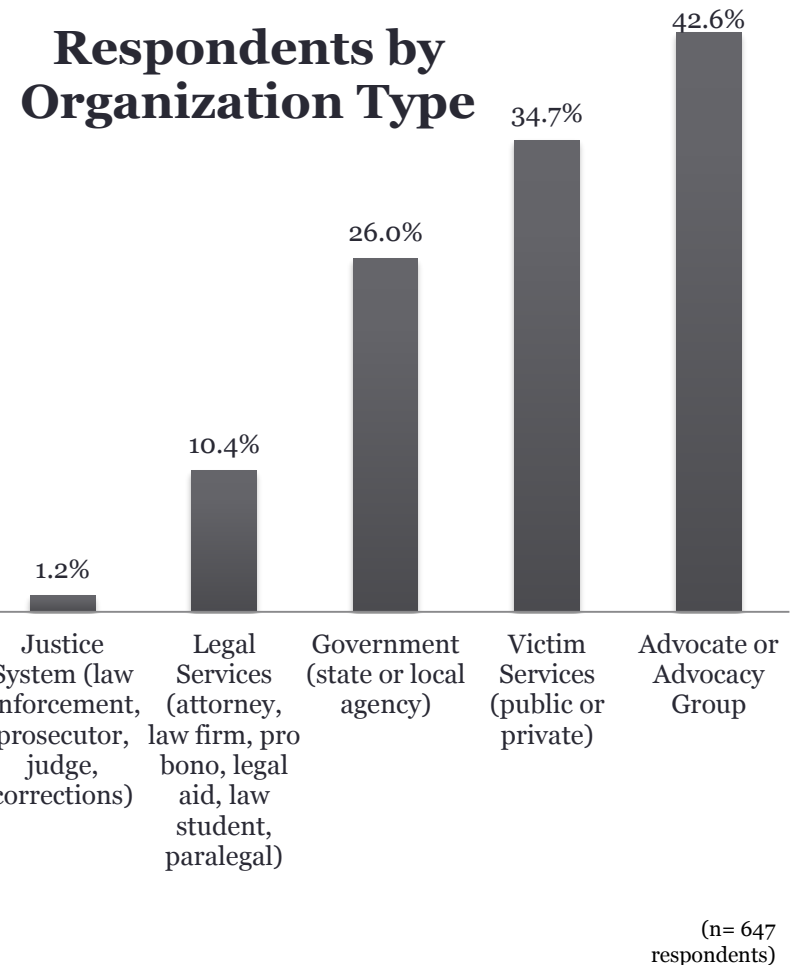


Raise your hand if --

- You have worked with an immigrant survivor turned away from transitional housing?
 - What criteria were immigrant victims being asked to provide to be accepted into the transitional housing programs that turned them away?

NIWAP's Survey

- There were 647 agencies that participated as respondents in the survey including representatives from 50 states, the District of Columbia, and the Virgin Islands.
- Survey participants reported on 9,277 immigrant clients who have needed transitional housing and 12,678 who have been in emergency shelter



NIWAP Research: Reasons Immigrant Victims Turned Away From Transitional Housing

Primary Reasons Immigrant Domestic and Sexual Violence Victims Were Turned Away from Transitional Housing		
	Domestic Violence	Sexual Assault
Immigrant victim lacked the required documentation of immigration status	34.4%	99.4%
When documentation was required the program sought evidence of one of the following:		
Documentation related immigration status	84.1%	99.4%
Documentation of current employment or ability to work	56.0%	98.9%
An employment authorization document as proof of legal work authorization	52.9%	98.9%
Did not have a driver's license*	45.0%	98.8%
Program required documentation that the victim did not have	33.2%	87.0%
Immigrant applicant was undocumented	25.6%	90.0%
Immigrant victim did not meet the formal income requirements	23.7%	85.8%
The battered immigrant applicant failed to present government issued I.D.	18.3%	86.1%
They were told that the evidence presented of being self-sufficient was insufficient	9.0%	85.7%
They were not a victim of domestic violence	n/a	85.6%
They did not speak English	2.9%	3.1%

NIWAP Research: Immigrant Victim Transitional Housing Acceptance Rates

Type of Crime	% Accepted	# Accepted	% Denied	# Denied
Domestic Violence	47.1%	1759	52.9%	1979
Sexual Assault	5.8%	29	94.2%	466
Human Trafficking	78.5%	146	21.5%	40
Abused/Abandoned/ Run Away Children	80.8%	51	19.2%	12

Undocumented Immigrant Survivors Have a Legal Right to Access Shelter and Transitional Housing



Open to All persons Without Regard to:

- Immigration status
- Citizenship
- Nationality
- English language abilities

Benefits Available to all Immigrants Include:

- Short-term shelter or housing assistance, victim services counseling, and intervention for:
 - Victims of:
 - Domestic violence
 - Sexual assault
 - Stalking
 - Dating violence
 - Human trafficking
 - Child abuse
 - Other abuse
 - Homeless
 - Runaway or homeless youth
 - Abandoned children

Attorney General's List of Required Services

- In-kind services
- Provided at the community level
- Not based on the individual's income or resources
- Necessary to protect life and safety
- Programs covered by this Attorney General's order are open to all persons

HUD Stated in 2001

- Both emergency shelter and transitional housing are:
 - Necessary to protect life and safety
- Transitional housing is by its nature:
 - Short-term
 - A bridge toward permanent housing

Transitional Housing

- When transitional housing meets the in-kind, community level, and life and safety tests
 - Unit is owned or leased by the grantee and used to provide transitional housing
 - Must be open to all; No immigration restrictions
- Exception: Grantee paying rental assistance payments for participant *when regulations require income test*

HUD/DOJ/HHS Letter

- HUD, DOJ, and HHS confirmed in a joint letter that federally funded housing providers must not turn away individuals based on their immigration status from programs, services, or assistance necessary to protect life or safety
- Examples of such programs and services:
 - Short-term shelter or housing assistance
 - Crisis counseling or intervention programs
 - Medical and public health services necessary to protect life or safety

HUD, DOJ and HHS Confirmed in August 2016

- Housing providers must not turn away immigrants based on their immigration status from:
 - Emergency shelter
 - Transitional housing
 - Rapid re-housing

HUD Office Of Special Needs Assistance Programs

- Emergency Solutions Grant (ESG) and Continuum of Care (CoC) funded programs are open to all with no immigrant restrictions
 - **Street Outreach Services**
 - Provides essential services connecting unsheltered homeless individuals and families with emergency shelter, housing, or critical services and providing them with urgent, non-facility based care
 - **Emergency Shelter**
 - Among other things, this program provides a range of essential services for individuals and families in emergency shelter

HUD Programs and Immigrants Eligibility

- **Rapid Re-Housing**
 - Housing relocation and stabilization services and/or short or medium term housing/rental assistance to help families shelters or in places not meant for human habitation moves them as quickly as possible into permanent housing
- **HOME Program**
 - HOME is the largest federal block grant to state and local governments designated exclusively to create affordable housing to low-income households
- **Safe Haven**
 - Supportive housing serving hard-to-reach homeless persons with severe mental illness who have been living on the street and not previously able or willing to participate in housing or supportive services.

HUD Programs and Immigrants Eligibility

- **Housing Trust Fund**
 - Affordable housing program that complements existing federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families
- **Rural Housing Stability Program**
 - Re-house or improve the housing situations of persons who are homeless or in worst housing situation; stabilize the housing of individuals and families who are at risk of becoming homeless
- **Mortgage Insurance for Rental and Cooperative Housing
Section 221(d)(3) and (d)(5)**
 - Insurance program for new construction under which landlords agree to provide housing for low and moderate income families

Applies to Government Funded Housing

- Violence Against Women Act
- Family Violence Prevention and Services Act
- Victims of Crime Act
- Housing and Urban Development funded
 - Emergency Solutions
 - Continuum of Care Programs

Anti-Discrimination Protections

- No discrimination based on:
 - Title VI/FVPSA- race, color, and national origin
 - Fair Housing Act-race, color, national origin, religion, sex, familial status, and disability
 - VAWA- race, color religion, national origin, sex, gender identity, sexual orientation, and disability
 - HUD Section 109- race, color, national origin, sex, and religion

Best Practices for Transitional Housing Programs

- What are the transitional housing program admission criteria that your programs use?

NNEDV/OVW Admission Criteria

- Survivor actively fleeing abusive relationship or situation (e.g., employment, housing where rape occurred)
- 18 or older or legally emancipated
- Willing and desiring to participate in transitional housing program and meet with staff on mutually determined schedule
- Willing to create individualized safety plan with help of victim advocate
- Able to live 24/7 independently

Large Group Discussion

- Are there transitional housing programs in your state that use admission criteria that differ from the the NNEDV/OVW recommended criteria?
- What do these programs require?

Common Criteria

- Residence in the city/county
- Homelessness/at risk of homelessness
- Employment/self-sufficiency criteria
- Cannot be an active substance abuser
- No sex offender criminal record

Advocacy Preparation: Small Group Activity

- How would you help immigrant victims show:
 - Group 1: Residence in the city/county
 - Group 2: Domestic violence, sexual assault, stalking, or victimization
 - Group 3: Evidence of employment
 - Group 4: Evidence of self-sufficiency

Report Back



Evidence of Residency: Examples

- Victim's statement
- Postmarked mail received at a residence in the jurisdiction
- School, health, court records with address
- Copies of police reports
- Letters from neighbors, shelter, victim advocate, social worker, faith based organization staff

Evidence of Victimization or Homelessness: Examples

- Victim's statement
- Police reports
- Medical or court records
- U-Visa/VAWA application
- Photographs, recordings of abuse
- Protection order
- Evidence of poor rental history/evictions

Evidence of Self-Sufficiency

- Evidence of employment
 - Documentation of income from employment
 - Tax ID number
 - Employer's statement court form
 - Letter from employer with photo attached
- Evidence of other income
 - Child support, benefits citizen/lawful permanent resident children receive
- Evidence that taking steps toward employment
 - Filed VAWA self-petition, U visa, taking ESL classes

With Good Victim Advocacy --

- Many/Most immigrant survivors can prove
 - They are on a path to self-sufficiency
 - They have resided in the jurisdiction
 - They are at risk of homelessness
 - Lack of active substance abuse
 - Lack of criminal history

Materials

- [DOJ/HHS/HUD Joint Letter on Immigrant Access to Federally Funded Services Necessary to Protect Life or Safety \(Aug. 5, 2016\)](#)
- [HUD, SNAPS, The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs \(Aug. 16, 2016\)](#)
- [HUD, Memo for Secretary Julian Castro from Tonya Robinson, Acting General Counsel re: Eligibility of Battered Noncitizen Self-Petitioners for Financial Assistance Under Section 214 of the Housing and Community Development Act of 1980 \(Dec. 15, 2016\)](#)
- [HUD, Notice PIH 2017-02 \(HA\), Violence Against Women Act \(VAWA\) Self-Petitioner Verification Procedures \(Jan. 19, 2017\)](#)
- [NHLP, Memo: HUD Housing Covered by Section 214](#)
- NHLP, Federally Assisted Housing and Immigrant Eligibility (Feb. 2017) (See info packet)
- NIWAP, Brochure for Transitional Housing
- NIWAP, Fact Sheet: Immigrant Access to Emergency Shelter and Transitional Housing (Oct. 23, 2016)
- NIWAP, How to Advocate for Public and Assisted Housing for Your Battered Immigrant or Trafficking Survivor Client (Feb. 8, 2017)
- NIWAP & Legal Momentum, HUD Programs and Immigrant Eligibility, Chap. 16.2 (Feb. 8, 2017)