

Frequently Asked Questions about Access to FYSB-funded Services for Survivors of Domestic Violence

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Q: What is the Family Violence Prevention and Services Act (FVPSA)?

A: The FVPSA, administered by the Family and Youth Services Bureau (FYSB), is the primary federal funding stream that awards grants for immediate/emergency shelter and supportive services for domestic violence victims and their dependents as well as a domestic violence network of resource centers, state domestic violence coalitions, six discretionary grant programs, and the National Domestic Violence Hotline. For more information about the National Domestic Violence Hotline please visit: www.thehotline.org (<http://www.thehotline.org>).

Q: Are battered immigrants eligible for emergency/immediate shelter and supportive services funded by FVPSA?

A: Yes. Domestic violence shelters receive funding from a variety of Federal sources, including FVPSA. These funds are granted to designated state agencies, tribal nations or tribal organizations that sub-award funding to community-based shelters and non-residential service providers.

Q: Are there any immigration restrictions included in FVPSA? Has HHS designated FVPSA funds as a federal public benefit requiring verification of immigration status?

A: No. FVPSA has no immigration restrictions and its services do not qualify as a Federal public benefit pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208. As such, FVPSA-funded grantees/sub-awardees are prohibited from requiring battered immigrants to provide documentation.

Q: Is this placing new requirements on FVPSA grantees/sub-awardees?

A: No. FVPSA has always provided sub-regulatory guidance to grantees/sub-awardees that battered immigrants must be served in FVPSA-funded programs and that documentation of immigration status is not required. The Family Violence Prevention and Services Notice of Proposed Rule Making published October 14, 2015 makes clear that documentation of immigration status cannot be required. Additionally, the HHS Office for Civil Rights issued

guidance in 2001 addressing access to HHS-funded services for domestic violence survivors. HHS, the Department of Justice, and the Department of Housing and Urban Development (HUD) are issuing joint guidance the summer of 2016 to remind federal financial recipients of these requirements originally communicated by an Attorney General's Order published in 2001 (No. 2353-2001, 66 Fed. Reg. 3616 (Jan. 16, 2001)), which formed the basis for the 2001 guidance issued by the HHS Office for Civil Rights.

Q: Are there other FVPSA or legal requirements that apply to serving battered immigrants?

A: Yes. Federal funding recipients must not discriminate against individuals on a basis prohibited by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d (prohibiting discrimination based on race, color, or national origin under any program or activity receiving Federal financial assistance)); the Fair Housing Act (42 U.S.C. §§ 3601-3619 (prohibiting discrimination in housing because of race, color, national origin, religion, sex, familial status, and disability)); the Violence Against Women Act (42 U.S.C. § 13925(b)(13) (prohibiting discrimination based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability under any program receiving VAWA funding)); section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. § 5309 (prohibiting discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development Block Grant Program)); or any other applicable nondiscrimination law, including the FVPSA provisions enunciated in 42 U.S.C. § 10406.

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