

## **WHAT SHELTER AND RENTAL HOUSING ASSISTANCE ARE AVAILABLE TO IMMIGRANT SURVIVORS DURING COVID-19?**

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Immigrant survivors of domestic violence, sexual assault, dating violence, stalking, and human trafficking face unique challenges when accessing and maintaining safe housing. Housing is a primary concern for survivors living with violence because it directly affects their ability to leave an abusive relationship. COVID-19 has exacerbated problems as [survivors are forced to stay at home – making violence in their homes more frequent and dangerous](#). For survivors looking for alternative, safe housing, there is misinformation among housing providers and survivor advocates about immigrant survivors' eligibility for housing and homeless assistance programs. Here, we clarify some misconceptions as well as provide resources and tools supporting advocacy on behalf of immigrant survivors.



### **1. Are immigrant survivors eligible for emergency shelter and transitional housing?**

**Yes.** Access to emergency shelter and transitional housing is critical for survivors of violence. It provides a safe haven necessary for survivors to successfully leave abusive homes and workplaces where they have suffered domestic violence, sexual assault, human trafficking, and other criminal activities perpetrated by their abuser, employer, landlord, or human traffickers. As a matter of federal law, all programs “necessary to protect life or safety” are open to **everyone**, including undocumented immigrants, and access to these programs cannot be

restricted by service providers or by state, territory, or local governments. Therefore, immigrant survivors have a legal right to access emergency shelter and transitional housing programs described below, regardless of their immigrant status, citizenship, nationality, and English language abilities.

The U.S. Department of Housing and Urban Development (HUD) [has determined](#) that there are **no** immigration status requirements for the following homeless assistance programs: Street Outreach Services, Emergency Shelter, Safe Haven, and Rapid Re-Housing. Additionally, transitional housing funded by the federal government [for example, HUD, Office on Violence Against Women (OVW), Office for Victims of Crime (OVC), Department of Health and Human Services (HHS)], where the grant recipient or subrecipient owns or leases the building used to provide the transitional housing, also do not have immigration restrictions.

Immigration status requirements only apply in cases where the transitional housing program provides rental assistance payments that are based on the program participant's income by regulation. Even then, several groups of immigrant survivors qualify for rental assistance programs, including VAWA self-petitioners, refugees, and survivors of human trafficking with HHS certification.

For more information on immigrant access to shelter and transitional housing, see the [National Immigrant Women's Advocacy Project's \(NIWAP\) publication: \*The Impact of the 2020 Public Charge Rule on Transitional Housing\*](#).

## 2. Are immigrant survivors eligible for affordable housing programs?

**It depends.** There are immigration status requirements for most of the rental assistance programs operated by HUD, including the public housing, Section 8 Housing Choice Voucher, and project-based Section 8 programs, as well as some programs administered by the U.S. Department of Agriculture's [Office of Rural Development \(RD\)](#), such as the Section 515 and Section 514/516 programs receiving RD rental assistance, the RD Voucher program, and the Section 514 Farm Labor Housing. To be eligible to receive these subsidies, an immigrant survivor must fall into one of these categories:

- U.S. citizens/nationals
- Lawful permanent residents (green card holders)
- VAWA self-petitioners
- Refugees and asylees
- Parolees
- Persons granted withholding of deportation or cancellation of removal
- Victims of human trafficking with an HHS certification letter

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- Persons granted admission for emergent or public interest reasons
  - Persons granted amnesty under the Immigration Reform and Control Act of 1986
  - Immigrants eligible for registry who entered the U.S. before June 30, 1948
  - Lawful U.S. residents under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau, and Guam
  - Immigrants admitted for lawful temporary residence before January 1, 1982

Survivors who are [VAWA self-petitioners are eligible for most of HUD's rental assistance programs](#) from the moment that they file their self-petition.

Affordable housing programs paid for by the federal government that do **not** have federally imposed immigration restrictions include the Low Income Housing Tax Credit, Section 202 housing for the elderly, Section 811 housing for persons with disabilities, Housing Opportunities for Persons With AIDS (HOPWA), Community Development Block Grant (CDBG), and Indian Housing. However, affordable housing is often developed with multiple kinds of funding and other funding sources may require household members to have certain immigration statuses. Additionally, some states and localities operate their own rental assistance programs without immigration status requirements.

### **3. Are immigrant survivors eligible for housing assistance programs funded by the CARES Act, Emergency Rental Assistance Program, and American Rescue Plan Act?**

**It depends.** In response to the COVID-19 pandemic, Congress passed several emergency measures providing assistance to individuals and families. The 2020 [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) and the 2021 [American Rescue Plan Act](#) included funding for several housing programs and other financial assistance. The [2021 Emergency Rental Assistance program \(ERAP\)](#) assists households that are unable to pay rent and utilities during the COVID-19 pandemic.

#### Coronavirus Aid, Relief, and Economic Security Act

Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Congress gave some of this assistance directly to States, many of which, in turn, developed their own [emergency rental assistance programs](#). Much of the shelter and rental assistance funded by the CARES Act does **not** have immigration status requirements. For example, the CARES Act provided \$4 billion in Emergency Solutions Grant (ESG) funding to help prevent an outbreak among people experiencing homelessness and very low-income households. Many services funded through ESG do not have immigration requirements, such as Emergency Shelter, Street Outreach Services, Safe Haven, Rapid Re-Housing, and Transitional Housing that is owned by the grant



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recipient or subrecipient. Only when the transitional housing program provides rental assistance payments will access be limited to immigrant survivors who are VAWA self-petitioners, human trafficking survivors, or survivors who have another form of qualifying immigration status.

Additionally, under the CARES Act, the Coronavirus Relief Fund (CRF) provided money directly to the States. Some of this money has been used by States or localities to create [emergency rental assistance programs](#) for struggling individuals and families. Emergency rental assistance funded by CRF dollars and paid to landlords on behalf of tenants does **not** have federally imposed immigration restrictions. Therefore, state and local governments cannot create immigrant access prohibitions for these programs, either directly or by requiring that tenants have Social Security Numbers.

For more information on immigrant eligibility for assistance and benefits funded by the CARES Act, see [Frequently Asked Questions: Eligibility for Assistance Based on Immigration Status](#) and NIWAP's [Immigrant Crime Victim Access to Relief during the COVID-19 Crisis under the CARES and FFCRA Acts](#).

#### Emergency Rental Assistance Program

The [Emergency Rental Assistance Program \(ERAP\)](#), launched in January 2021 by the U.S. Department of the Treasury, makes available \$25 billion to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. The funds are provided directly to States, U.S. Territories, local governments, and Indian tribes. Grantees use the funds to provide assistance to eligible households through existing or newly created rental assistance programs. ERAP dollars do **not** have federally imposed immigration restrictions. Therefore, state and local governments cannot impose their own immigration restrictions, either directly or by requiring that tenants have Social Security Numbers.

#### American Rescue Act Plan

Signed into law on March 11, 2021, the [American Rescue Act Plan](#) includes \$27.4 billion in emergency rental assistance and another \$5 billion in homelessness assistance. Of the \$27.4 billion in emergency rental assistance, \$21.55 billion will be funded through the Coronavirus Relief Fund (CRF) and administered by the U.S. Department of the Treasury. Further, \$5 billion will fund emergency housing vouchers for households who (1) are at risk of experiencing homelessness, **(2) are fleeing or attempting to flee domestic violence, dating violence, stalking, sexual assault, or human trafficking**, or (3) are recently homeless and rental assistance will prevent the family's homelessness or having a high risk of housing instability. Public housing agencies will be notified of the number of vouchers allocated to them within 60 days. Vouchers will be distributed by a formula that includes capacity and ensures geographic diversity.

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Additionally, the American Rescue Plan Act provides another \$5 billion to provide homelessness assistance via rental assistance and supportive services, to develop rental housing, to help acquire non-congregate shelter to be covered into permanent affordable housing or used as emergency shelter. These funds must primarily benefit (1) individuals or households that are or are at risk of experiencing homelessness, **(2) people who are fleeing or attempting to flee domestic violence, dating violence, stalking, sexual assault, or human trafficking**, (3) populations for whom supportive services would prevent the family's homelessness or having a high risk of housing instability, or (4) households with a veteran family member that meets one of these criteria. Funds will be allocated within 30 days of enactment using the HOME Investment Partnerships program formula.

It is too early to determine whether the federal agencies will attach immigration restrictions to the various streams of housing and homelessness funding under the American Rescue Plan Act. We will update this Q&A as soon as we have more information. Please check back for updates!

#### 4. **Does the public charge rule impact immigrant survivors accessing these benefits?**

**No.** On March 9, 2021, the U.S. Department of Homeland Security (DHS) [announced](#) that the agency would stop implementing the 2019 public charge rule. **This means that the 2019 public charge rule is no longer in effect.** It is generally safe for immigrants and their families to use health, nutrition, and housing assistance programs that they qualify for.

Additionally, the public charge test does **not** apply to legal permanent residents, U.S. citizens, and survivors applying for or who have been granted immigration relief under VAWA, [U-visa](#), or [T-visa](#) programs. The rule also does **not** impact survivors who are seeking or have been granted asylum or refugee status, or special immigrant juvenile status (SIJS). Therefore, survivors who have or are applying for one of these immigration statuses **can** continue to use any government programs they qualify for.

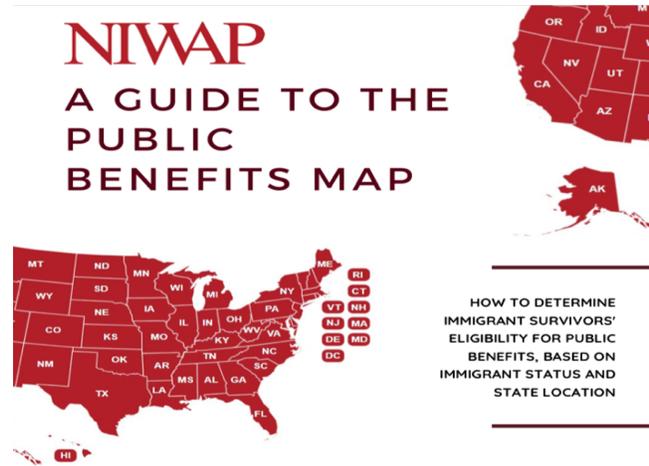
For more information, visit [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org).

#### 5. **What other public benefits are immigrant survivors eligible for?**

In addition to safe and affordable housing, immigrant survivors **may be eligible for a wide range of other public benefits and services.** What public benefits a survivor qualifies for varies by the survivor's immigration status or the type of immigration relief the survivor has applied for, what state the survivor is living in, when the survivor first entered the United States, and the type of

publicly funded benefit or service the survivor or their children need. To assist advocates in quickly identifying publicly funded benefits and services that a survivor qualifies for, NIWAP developed a [public benefits map](#) identifying the range of government-funded services and benefits that immigrant survivors are eligible for by state.

NIWAP also developed a series of [state-by-state charts](#) tracking a wide range of public benefits that various categories of immigrant survivors are eligible for by state. Further, there is a [guide](#) for using NIWAP's public benefits map and charts. For more information, see NIWAP's [Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status](#).



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