

# Secure Housing for Immigrant Survivors: 2016 Policies Improve Housing Access and Options

**Day Two**  
**Session 4C**  
**New Orleans, LA**

# Introductions

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# Learning Objectives

**By the end of this workshop you will be able to:**

- Advocate for acceptance of immigrant victims into transitional housing programs
- Understand VAWA/HUD/ HHS transitional housing program admission criteria and be able to respond to challenges
- Assist VAWA self-petitioners and their children living in public and assisted housing
- Employ strategies that promote housing stability for immigrant victims

# Participant Poll

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



# Emergency Shelter and Transitional Housing



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



# 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

# Open to All persons Without Regard to:

- Immigration status
- Citizenship
- Nationality
- English language abilities



# 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 AG 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 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

# 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

# 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

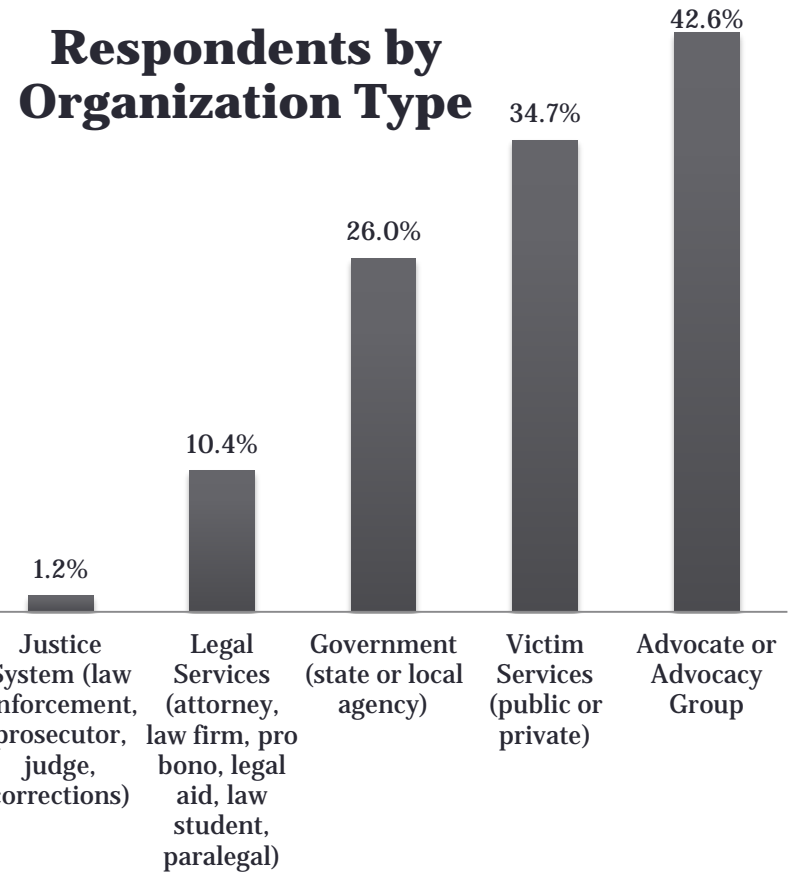
- What criteria do transitional housing programs in your state/community require for admission?
- How are those requirements similar/different from the NNEDV/OVW recommended criteria?

# 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

# 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



(n= 647 respondents)

# NIWAP Research: Reasons Immigrant Victims Turned Away From Transitional Housing

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

# Large Group Discussion

- How would you find out more about transitional housing program admission criteria?





# 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



# Access to Housing for Immigrant Survivors of Domestic Violence and Sexual Assault

# 2016 VAWA Rule, HUD Rules and Policies

# VAWA Housing Protections

- Admissions
  - Status as a victim cannot be basis for denial of housing assistance
- Evictions
  - Domestic violence, dating violence, or stalking do not constitute grounds for eviction from public housing or termination of Section 8 voucher
- Bifurcate lease to remove abuser
  - Assistance to victim preserved
- Portability: Victims can take voucher to another jurisdiction even if moving would violate the lease
- Regulations mandate translation of VAWA notices to tenants

# VAWA Housing and Confidentiality

- Public Housing Authority (PHA) and Section 8 landlord must:
  - Keep information about the victim including status as victim confidential
  - May not enter this information into any shared database or provide it to any related entity
  - Between state and federal law, the most favorable one to victim governs

# Effect on Immigrant Victims of Other New HUD Rules

- Fair Housing Rule: Liability for discrimination based on race, color, religion, national origin, sex, familial status or disability for:
  - Quid pro quo (this for that) and
  - Hostile environment harassment
- Applies both to applications for and conditions while living in housing

# Effect on Immigrant Victims of Other New HUD Rules

- Fair Housing Act Guidance on LEP
  - Discrimination = Determining adverse housing action (e.g. refusal to rent or renew lease) on an individual's limited ability to read, write, speak or understand English
    - Intentional discrimination
      - E.g., Disparate treatment based on accent
    - Practices with discriminatory effect
      - E.g., Practices that require tenants to speak English or disparage tenants from speaking other languages



# Public and Assisted Housing for VAWA Battered Immigrants

# Who are Qualified Immigrants?

- Lawful permanent residents
- Refugees and asylees
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Trafficking victims filing for or with T visas
- Persons granted conditional entry
- Persons paroled into U.S. one year or more
- Persons granted withholding of deportation or cancellation of removal
- Persons who (or whose child) has been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent

# Access to Public and Assisted Housing

- HUD programs covered by this restriction:
  - Conventional public housing programs
  - Public housing homeownership programs
  - Section 8 Housing Assistance Programs
    - Supportive housing for the elderly
    - Housing Choice Voucher Program
    - Project-Based Voucher Program
  - Section 236 Program
    - Including rental assistance payments
  - Section 811 Supportive Housing for Persons with Disabilities
  - HOPWA- Housing Opportunities for Persons with AIDS

# Qualified Battered Immigrant Eligibility for Public and Assisted Housing

- At least one eligible family member
  - Can be a U.S. citizen child
- Mixed Families
- Proration
- Advocacy required for qualified battered immigrant access

# Battered Immigrants and Access to Public Housing

- 8 U.S.C. 1641(c)
- Battered immigrants:
  - who establish prima facie cases
  - who have approved VAWA applications or family-based petitions
- Are “qualified immigrants” for the purposes of receiving federal public benefits, including public and assisted housing

# Federal Housing Programs

- Public housing
- HUD subsidized
- Low Income Housing Tax Credit
- Housing vouchers

# What To Bring With You to Advocate

- 8 U.S.C. 1641(c)
- 2003 Budget Bill Report Language
- Letter from DHS to HUD 2007



# Mixed Families and Proration

- At least one person in the household must be eligible, based on his or her immigration status, to reside in the housing (can be a minor child)
- Household members ineligible for housing assistance based on their immigration status may live in an assisted unit, but the household's subsidy will be prorated



# Be Prepared to Advocate...

- For survivor and children remaining in the unit when perpetrator is removed
- Based on a child's or survivor's legal status to avoid proration and include the survivor as a qualified immigrant in the subsidy

# Social Security Numbers

- **Are not required** to apply for public housing
- Refusal to provide a social security number that has not been issued is not grounds for rejecting the application



# Creative Community Based Advocacy for Immigrant Survivors



# Small Group Activity



- Groups 1 and 2:
  - If you are working with an immigrant victim who is subjected to proration what creative options might you use to help the victim keep housing for herself and her children?
- Groups 3 and 4:
  - When a victim living with her abuser wants to separate what are some creative options you could take to prevent the victim's homelessness?
    - This is apart from public/assisted/transitional housing or emergency shelter

# Housing Resources

- Government publications, regulations, policies
- NIWAP materials



# Technical Assistance and Materials

- Power Point presentations and materials for this conference at [www.niwap.org/go/NOLA2016](http://www.niwap.org/go/NOLA2016)
- **NIWAP Technical Assistance:**
  - Call (202) 274-4457
  - E-mail [niwap@wcl.american.edu](mailto:niwap@wcl.american.edu)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)

# Questions



# Evaluations





# Thank you!

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