

Housing Rights for Immigrant
Survivors
Summer Learning Series for
Housing Advocates
Texas Council on Family Violence
September 23, 2021

WEBINAR

NIWAP

nhlp

**NATIONAL
HOUSING LAW
PROJECT**

Introductions



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Learning Objectives

By the end of this webinar you will be better able to:

- Ensure that immigrant survivors gain access to shelter, transitional housing and programs open to all persons without immigrant restrictions
- Advocate for access to public and assisted housing for survivors with pending or approved VAWA self-petitions, T visas, Continued Presence and lawful permanent residency
- Help immigrant survivors access the full range of housing protections available under VAWA

Poll: Let's see who is on the webinar with us

Please check the box that best describes you:

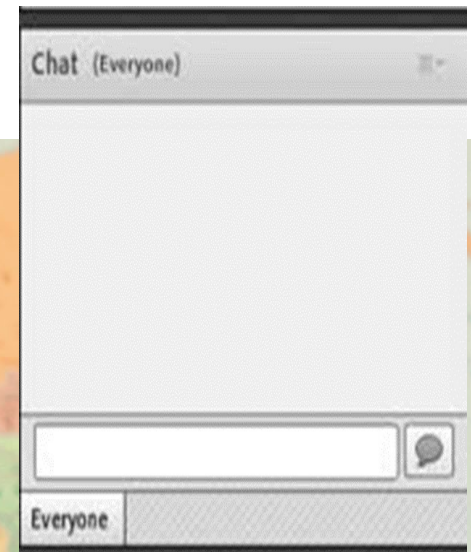
- A. Victim Advocates
- B. Coalition Staff
- C. Attorneys
- D. Systems based advocates – victim witness staff
- E. Other – type in the chat



Demographics

Type in the chat box

What are the
top five
languages
other than
English and
Spanish
spoken at
home in TX?



Texas (2019)*

- ❖ Total foreign born population – 4,951,156
- ❖ 22.4% of the state’s ~28.9 million people are foreign born
 - 39.6% naturalized citizens
 - 33% legal permanent residents
 - 27.4% temporary visa holders or undocumented immigrants
- 70.8% rise in immigrant population from 2000 to 2019
- ❖ Length of time immigrants have lived in the U.S.
 - 47.5% entered before 1999
 - 25.9% entered 2000 - 2009
 - 26.6% since 2010
- ❖ 34.5% of children under age 18 have one or more immigrant parents
 - 88.2% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (August 2021) and Lawful Permanent Resident estimates MPI and DHS (2021)*

Texas– Countries/Regions of Origin & Limited English Proficiency (LEP)(2019)*

- ▣ Latin America – 66.1%
 - ▣ Mexico (49.5%)
 - ▣ El Salvador (4.8%)
 - ▣ Other Central America (5.5%)
 - ▣ South America (3.9%)
 - ▣ Caribbean (2.3%)
- ▣ Asia – 20.5%
 - ▣ India (6%)
 - ▣ China/Taiwan (3.1%)
 - ▣ Vietnam (3.7%)
 - ▣ Philippines (2.2%)
 - ▣ Other Southeast Asia (1.3%)
 - ▣ Korea (1.2%)
- ▣ Africa – 5.9%
 - ▣ West Africa (2.8%)
- ▣ Europe – 4%
- ▣ Middle East – 2.3%
- ▣ Canada – 1%
- ▣ Oceania – 0.3%
- ▣ Language spoken
 - ▣ 35.6% of people in the state who speak a language other than English at home
 - ▣ 53.8% of foreign born persons are LEP - speak English less than “very well”

*Source: [Migration Policy Institute Data Hub](#) (August 2021)

Texas-Languages Spoken at Home (2019)*

- Spanish (7,874,853)
- Vietnamese (226,370)
- Chinese, including Mandarin, Cantonese (182,175)
- Hindi (100,192)
- Arabic (96,229)
- Tagalog (including Filipino) (93,071)
- Yoruba, Twi, Igbo, or Other Languages of Western Africa (90,702)
- Urdu (84,611)
- French (including Cajun) (76,884)
- German (64,932)
- Korean (63,774)
- Nepali, Marathi, or Other Indic Languages (54,808)
- Telugu (52,868)
- Malayalam, Kannada, or Other Dravidian Languages (49,673)
- Gujarati (43,694)
- Amharic, Somali, or Other Afro-Asiatic Languages (39,824)
- Portuguese (34,428)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/TX>
(August 2021)

Texas-LEP (2019)*

- Limited English Proficiency (Speak English less than very well)
 - ☑ Naturalized citizens - 39%
 - ☑ Noncitizens -63.6%
- Limited English Proficiency by language spoken at home (12,732+)
 - ☐ Vietnamese (58.6%)
 - ☐ Korean (47.9%)
 - ☐ Chinese (including Mandarin, Cantonese) (44.2%)
 - ☐ Arabic (39.3%)
 - ☐ Amharic, Somali, or Other Afro-Asiatic Languages (39.1%)
 - ☐ Swahili/Other Languages of Central, Eastern, or Southern Africa (38.9%)
 - ☐ Spanish (38.2%)
 - ☐ Persian (including Farsi, Dari)(36..4%)
 - ☐ Nepali, Marathi or Other Indic Languages (35.5%)
 - ☐ Malayalam, Kannada, or Other Dravidian Languages (26.2%)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/TX> (August 2021)

Immigration Options for Immigrant Survivors and Their Children: Screening

Purpose of Immigrant Survivor Protections

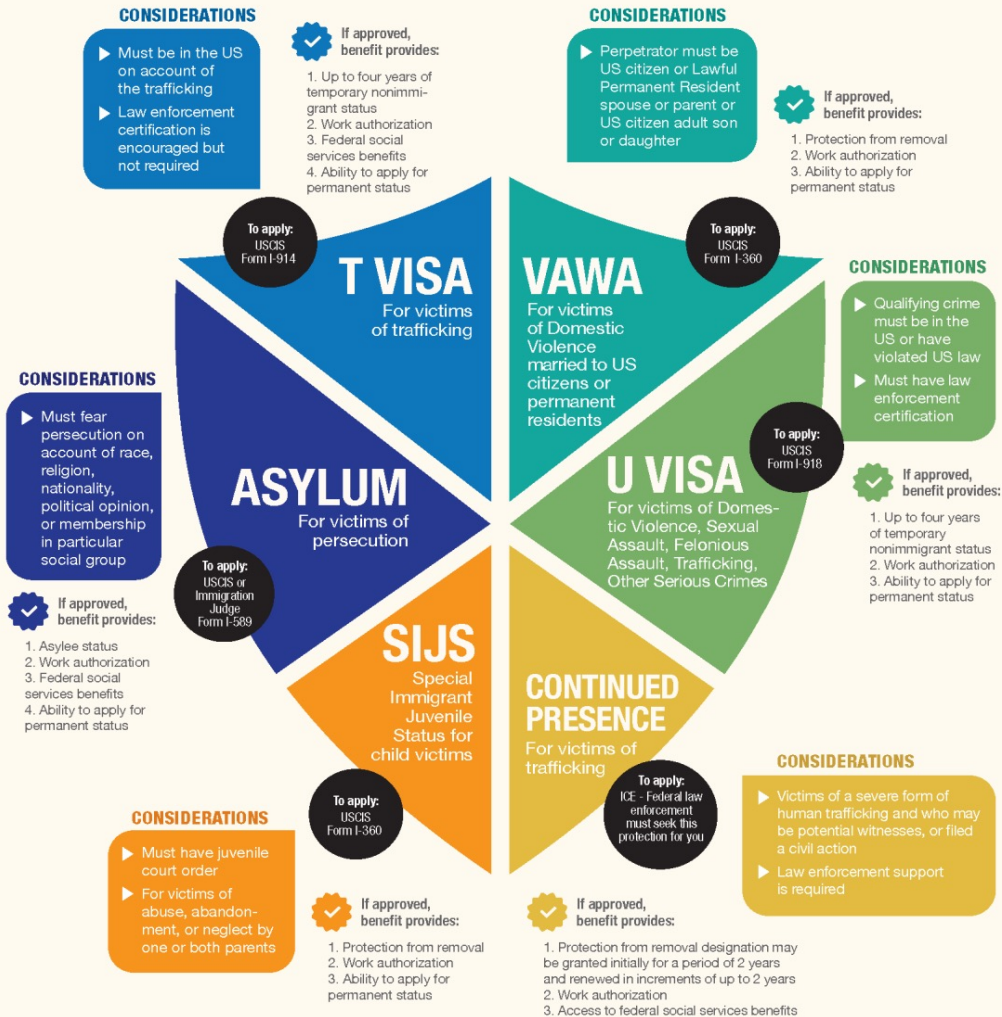
Congress enacted VAWA self-petitioning (1994), the U and T visas (2000) & Special Immigrant Juvenile Status (SIJS) (1990, 2008) to:

- Improve community policing and community relationships
- Increase prosecution of perpetrators of crimes against immigrant victims
- Allow survivors to report crimes and seek help from police, prosecutors, and courts without fear of deportation
- Improve access to justice in family/criminal/civil courts, benefits and services for immigrant survivors of
 - Domestic & sexual abuse, stalking, human trafficking, and child/elder abuse
- Enhance safety
- Keep communities safe

Benefits for Survivors

- Protection from deportation
 - VAWA confidentiality
- Can include family members in application
 - VAWAs, U visas and T visas (not SIJS)
- Access to legal immigration status
- Financial independence from perpetrator
 - Legal work authorization (3 - 48 months post filing)
 - Issuance of federally recognized ID
 - Access to housing and some state/federal public benefits beyond programs open to all immigrants

PROTECTIONS FOR IMMIGRANT VICTIMS



DHS.GOV/BLUE-CAMPAIGN

For victim support call 1-888-373-7888 or text INFO or HELP to BeFree (233733)

Immigration Relief Available for Immigrant Survivors of —

- Domestic violence (battery or extreme cruelty)
 - Child abuse
 - Sexual assault
 - Rape
 - Incest
 - Prostitution
 - Torture
 - Felonious assault
 - Manslaughter
 - Murder
 - Female genital mutilation
 - Kidnapping
 - Abduction
 - Trafficking
 - Involuntary servitude
 - Slave trade
 - Being held hostage
 - Fraud Foreign Labor Contracting
 - Peonage
 - False Imprisonment
 - Blackmail
 - Extortion
 - Witness tampering
 - Obstruction of justice
 - Perjury
 - Stalking
 - **Parent perpetrated**
 - **Child abuse**
 - **Child neglect**
 - **Child abandonment**
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - Spouse; Parent; Stepparent; or
 - Citizen adult son/daughter (over 21)
- With Whom Self-Petitioner Resided
 - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- Battered Spouse Waiver if perpetrator files
- Access to some federal/state benefits = 3 months
- Work authorization = 4–24 months (2021)

Forms of Extreme Cruelty

- Emotional Abuse
- Economic Abuse
- Sexual Abuse
- Coercion
- Deportation threats
- Immigration related abuse
- Intimidation
- Social Isolation
- Degradation
- Possessiveness
- Harming pets

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
 - Detection, investigation, prosecution, conviction, or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law
- **Timeline to work authorization, waitlist approval, and some very limited state benefits = 4–6 years(2020)**

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
 - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
- Victim is physically present in the U.S. on account of trafficking
- Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking.
Exceptions
 - Under age 18
 - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- **Work authorization and *many* federal and state public benefits = 3–12 months (2020)**

Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, neglect, or dependency
 - By at least **one parent**
- To apply must submit required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child
- Timeline to approval, lawful permanent residency, & some federal/state public benefits = 6 – 36 months (2019)

Case Scenario (Handout)

Clara met Eduardo, a lawful permanent resident, when he came back to his hometown to visit his family in El Salvador. Eduardo started dating Clara who was raising her 9 year old son Miguel. After Clara became pregnant and gave birth to a baby girl Lupe, Eduardo decided to bring Clara, Miguel and Lupe to the U.S. to live with him. When they arrived in the U.S. Eduardo took Clara, Miguel and Lupe's passports and became physically and sexually abusive of Clara and abusive of Miguel who tried to protect his mother from Eduardo's abuse. Eduardo also physically beat Lupe when he said she "misbehaved". Within a year following their arrival in the U.S. Eduardo forced both Clara and Miguel to work for his family's business and never paid them for their labor. One night when Miguel was 13 and Lupe was 5, Eduardo's rage led to severe beatings with a belt of Miguel and of Lupe. When Clara intervened to protect the children, Eduardo strangled her until she passed out. The neighbors call the police for help, Clara talked to police when they arrived. The police arrested Eduardo for attempted murder and child abuse, took Clara to the hospital and placed the children in the care of the state.

Poll: What forms of immigration relief would Clara qualify for:

- A. U visa
- B. VAWA self-petition as the parent of Lupe
- C. T visa
- D. All of the above

The image shows a screenshot of a poll interface. At the top, there is a header bar with the text "Feedback" and a menu icon. Below the header, there is a large empty oval shape. To the left of the oval, there are five radio button options, each with a colored square next to it: A (blue), B (green), C (yellow), D (red), and No Answer (grey). The "No Answer" option is currently selected, indicated by a blue dot inside the radio button.

Poll: What forms of immigration relief would Miguel qualify for (Check all that apply) :

Feedback

A

B

C

D

No Answer

- A. VAWA self-petition
- B. U visa
- C. T visa
- D. SIJS

**Poll: What forms of immigration relief would
Lupe not qualify for:**

▼ Feedback

A

B

C

D

No Answer

- A. VAWA self-petition
- B. U visa
- C. T visa
- D. SIJS

Benefits Impact of Immigration Relief Options for Clara, Lupe and Miguel in TX - Examples

- TANF: T visa and VAWA self-petitioners eligible
 - Pre 8/22/96 entrants eligible (Others long waits or limitations)
 - SIJS (13 years); U (36 years)
- SNAP: T eligible – Clara and children
 - Children: VAWA prima facie (3 mo), SIJS (1-3 years);
 - Clara: VAWA (10 yr); U visa (31 yr)
- Housing: T visa, VAWA self-petition eligible
 - SIJS (1-3yr), U visa (21/yr)
- Education (FAFSA): T visa
 - VAWA (3 mo); SIJS (1-3 yr), U visa (21 years)

**Access to Publicly Funded
Programs and Legal Services
Open to All Immigrant Domestic
and Sexual Violence Survivors**

Access for All

Both documented and undocumented immigrant survivors can access:

- Legal Services
- Family Court (Divorce)
- Language Access
- Police Assistance
- Protection Orders
- Child Custody & Support
- Have Their Abusers
Criminally Prosecuted
- Public Benefits for Their
Children
- Assistance for Crime Victims
- Shelter
- Transitional Housing
- WIC/school lunch & breakfast
- Primary/Secondary education
- Immunizations
- Emergency medical care
- Care from community &
migrant health clinics
- VOCA

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

In-Kind Services Necessary to Protect Life and Safety Open to All Immigrants

- Child and adult protection services
- Crisis counseling and intervention
- Violence and abuse prevention
- Victim assistance
- Treatment of mental illness or substance abuse
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Shelter & transitional housing assistance
- Nutrition programs for those requiring special assistance



Federal Benefits Available to ALL Immigrants



- Elementary and Secondary education
- School lunch and breakfast
- WIC
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid

Representation Under VAWA Anti-Abuse Laws and Regulations

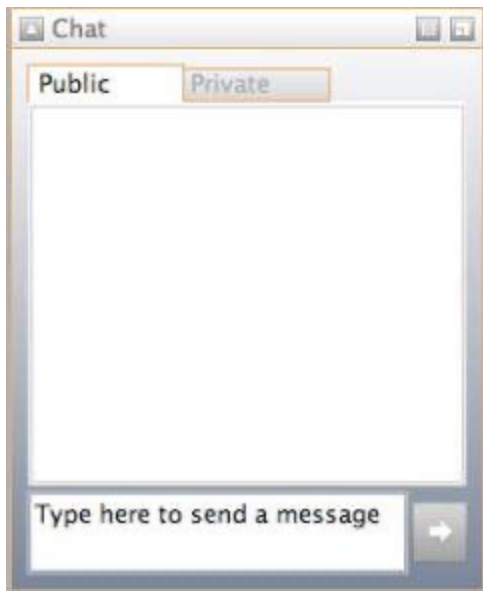
- Legal Services Corporation funded programs can represent the following immigrant survivors **without regard to the survivor's immigration status**
 - Domestic violence
 - Child abuse
 - Elder abuse
 - Sexual Assault
 - Human trafficking
 - Any other U visa listed criminal activity
- Representation is available whether or not the survivor has filed for or plans to file for victim related immigration relief

When children qualify and their parents do not:

- If a child qualifies for benefits as a citizen or qualified immigrant the benefits granting agency may only ask questions about the child's eligibility
- No questions may be asked about the immigration status of the child's parent if the parent is not applying for additional benefits for themselves

Access to Health Care

Where can immigrant survivors receive health care that is subsidized without regard to immigration status?



Type in the chat box

Health Care Open to All Immigrants

- Community and migrant health clinics
 - www.nachc.com
 - www.hrsa.gov
 - Enter zip code
- State funded programs
- Post-assault health care paid by VOCA
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid



How to find free health clinics in your area



Step 1: In IE, go to www.hrsa.gov

Step 2: Select “Get Health Care”

Step 3: Select “Find a Health Center”

Step 4: Search by location

OR

Step 3: Select “Find out more about Hill-Burton...”

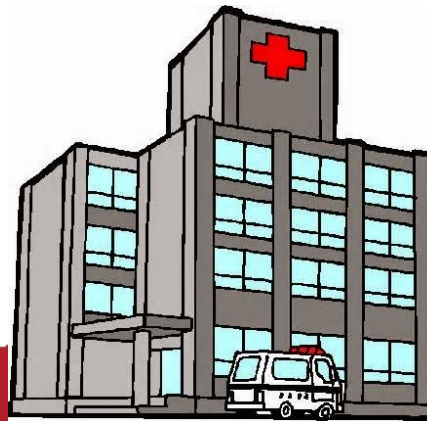
Step 4: Select “Hill-Burton Obligated Facilities”



OR

Emergency Medicaid

- Available only in cases where the person needs treatment for medical conditions with acute symptoms that could:
 - place the patient's health in serious jeopardy;
 - result in serious impairment of bodily functions; or
 - cause dysfunction of any bodily organ or part
- Includes COVID-19 testing and treatment



Immigrant Crime Victim Access to Relief During the COVID-19 Crisis Under the CARES and FFCRA Acts (May 20, 2020)

- Found in NIWAP Web Library
<http://niwaplibrary.wcl.american.edu/pubs/cares-act-unemployment-imm-victims-5-27-2020>
- Immigrant survivors with work authorization and work authorized SSNs can be eligible for
 - Economic Relief for Families
 - Must file 2019 income tax returns
 - Unemployment Insurance
- May not yet have legal immigration status

CARES Act: Unemployment Insurance (UI)

- Immigrants are eligible for UI if they are authorized to work at each of the following times:
 - When they performed UI qualifying work;
 - At the time they apply for unemployment benefits, and
 - During the entire period for which they receive unemployment benefits
- Must:
 - Be “able and available” to work
 - Be “permanently residing under color of law” (“PRUCOL”) during the “base period” used to calculate the unemployment benefit amount
 - Have legal work authorization and work authorized SSN
- NIWAP publication – charts who qualifies for UI and Rebate payments by immigration case type



EMERGENCY SHELTER AND TRANSITIONAL HOUSING

Raise your hand if --

- You have worked with an immigrant survivor turned away from a transitional housing program in Texas?

Poll: If you have worked with an immigrant victim who was turned away from transitional housing why were they denied access?

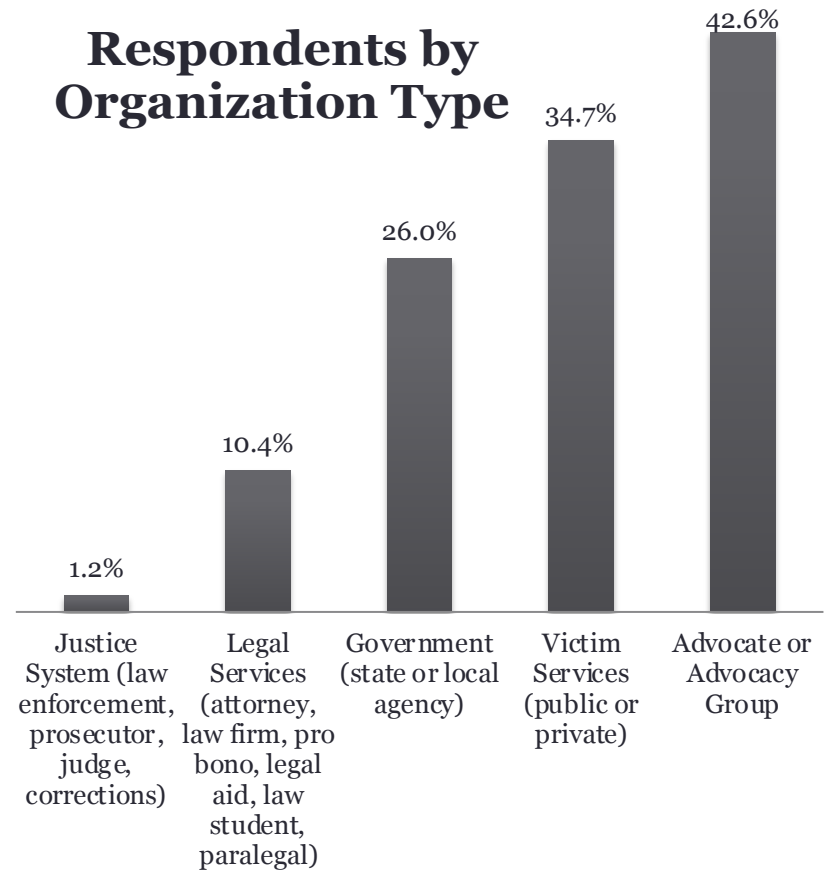
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- A. Did not have work authorization
- B. Victim's immigration status
- C. Lack of self-sufficiency
- D. All of the above

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

Respondents by Organization Type



(n= 647 respondents)

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 Without Regard to:

- Immigration status
- Citizenship
- Nationality
- English language abilities

Benefits Available to all Immigrants Include:

- Shelter, transitional housing, 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

Transitional Housing

- When transitional housing meets the in-kind, community level, and life and safety tests
 - Unit **is owned or leased by the grantee** or subgrantee 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

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 Grants
 - Continuum of Care Programs

HUD Funded Programs Open to All With No Immigrant Restrictions

- Emergency Solutions Grant (ESG)
- Continuum of Care (CoC)
- Street Outreach Services
- Emergency Shelter
- Rapid Re-Housing
- Safe Haven
- Transitional housing (where HUD grantee owns or leases the building used to provide transitional housing, but not where rental assistance is provided based on income)
- Home Program
- Housing Trust Fund
- Rural Housing Stability Program
- Mortgage Insurance for Rental and Cooperative Housing Section 221(d)(3) and (d)(5)

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

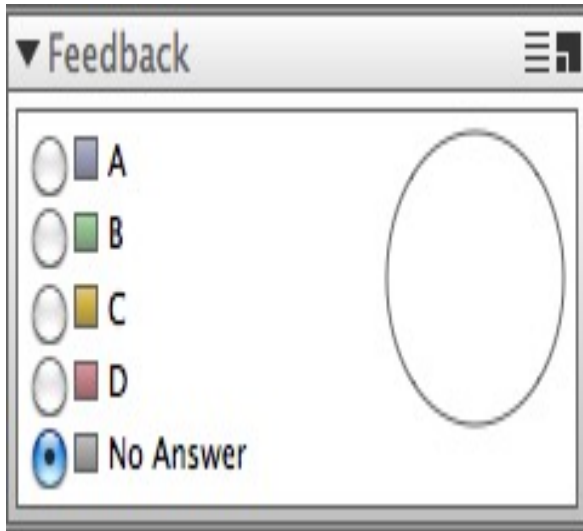
- **Housing Trust Fund**
 - Affordable housing program that complements existing federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families
- **Rural Housing Stability 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

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 - no housing discrimination (denial or eviction) against survivors of domestic violence, dating violence, sexual assault, or stalking; no discrimination on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, and disability
 - HUD Section 109 of the Housing & Community Dev. Act - race, color, national origin, sex, and religion
 - Section 504 of the Rehabilitation Act of 1973 – no disability discrimination in federally assisted programs

Poll Which of the following are common eligibility criteria used by transitional housing programs?
Check all that apply

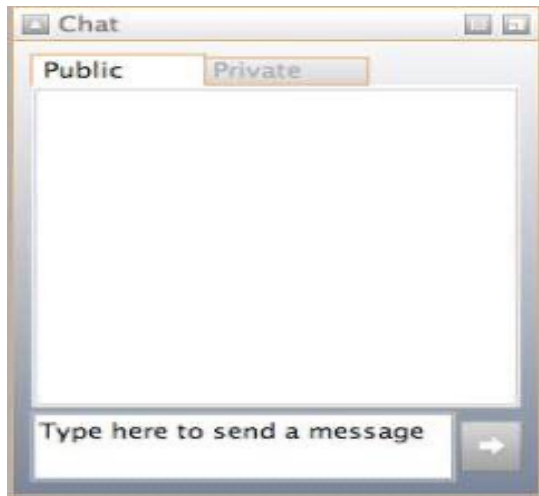
- A. Residence in the city/county
- B. Homelessness or risk of homelessness
- C. Employment/self-sufficiency criteria
- D. No active substance abuse and no sex offender record
- E. Domestic violence victim



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

What evidence could you use to show self-sufficiency when working with an immigrant survivor?



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

What are examples of evidence you could provide to prove residency for an immigrant survivor?



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

With Good Victim Advocacy --

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

Questions about Emergency and Transitional housing?

Access to Benefits and Services Grows as Children and Victims Pursue Immigration Relief



Children and Crime Victims Qualified to Receive Public Benefits— Common Examples

- Qualified Immigrants benefits eligible
 - Lawful permanent residents
 - Includes U visas and SIJS
 - Refugees/Asylees
 - VAWA self-petitioners
 - Trafficking victim with
 - Continued presence or
 - Bona fide determination in T visa case
- Not generally benefits eligible some variation by state
 - Asylum applicants
 - DACA recipients
 - U visa applicants & recipients
 - Work/Student visa holders
 - Undocumented

Many immigrants with work authorization qualify for CAREs Act Rebates and unemployment insurance both state and CAREs Act

Qualified Immigrant Access to Federal Public Benefits

- All qualified immigrants can access some federal public benefits
 - Which benefits they can access depends on:
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs
 - What benefits are offered by the state

Federal Benefits Immigrant Restrictions

- Only programs that as a matter of law have immigrant restrictions are those categorized as:
 - “federal public benefits,” “state public benefits” or
 - “federal means-tested public benefits”
- Not a federal or state benefits unless payment is made directly to:
 - An individual
 - A household
 - A family eligibility unit

Examples of “Federal Public Benefits”

- **US Agency Funded/Provided:**
 - Grants
 - Contracts
 - Loans
 - Professional or commercial licenses
 - Drivers licenses
- **Federally Funded Benefits for**
 - Retirement
 - Welfare
 - Health
 - Disability
 - Postsecondary education
 - Public or assisted housing
 - Food assistance or
 - Unemployment

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
- VAWA: Persons who (or whose children) have been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent

“Substantial Connection” Between Need for Benefits and Abuse Exists When (Not Required for Public and Assisted Housing)

- Access to benefits helps ensure the safety of the survivors, their children or a parent
- A survivor had to leave her job for safety reasons
- The survivor loses a dwelling or a source of income following separation
- The survivor needs medical attention or mental health counseling or has become disabled
- The survivor’s fear of the abuser jeopardizes the survivor’s ability to take care of her children

“Substantial Connection” Exists When Public Benefits Are Needed...

- To alleviate nutritional risk or need resulting from the abuse or following separation
- When the survivor has lost her job or earns less because
 - of the battery or cruelty or
 - because of involvement in legal proceedings
- To provide medical care during a pregnancy resulting from the relationship with the abuser
- To replace medical coverage or health care services lost following separation.

Partial List of Federal Public Benefits/Community Programs Open to All “Qualified Immigrants”

- Public and assisted housing
- Supportive housing for the elderly or disabled
- Post-secondary educational grants & loans
- Access to most subsidized child care
- Receive payments for providing foster care
- FEMA individual family grants and disaster unemployment
- Job opportunities for low income individuals
- Adoption assistance
- Low income and residential energy assistance programs
- Disability benefits
- Assistance to developmentally disabled
- Social services block grant programs

Interactive Public Benefits Map

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ot secure | map.niwap.org
/AP/... TweetDeck Federal plain langu... National Immigrant... Social Media

NIWAP Web Library About NIWAP Maps by Benefit Demographics

Maps by Benefit

NIWAP

Web Library About NIWAP Maps by Benefit Demogr

Legal Services



These maps break down available public benefits based on immigrant's state and immigration status.

We are still working on this site, so if you cannot click on your state, check back soon for completed maps.



Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.

[Go to Map](#)



Child Care

Child Care services may be provided through public benefits.

[Go to Map](#)



Children's Health Insurance Program

Medical assistance is available to children through the Children's Health Insurance Program (CHIP).

[Go to Map](#)



Driver's License

State-specific requirements to be issued a driver's license.

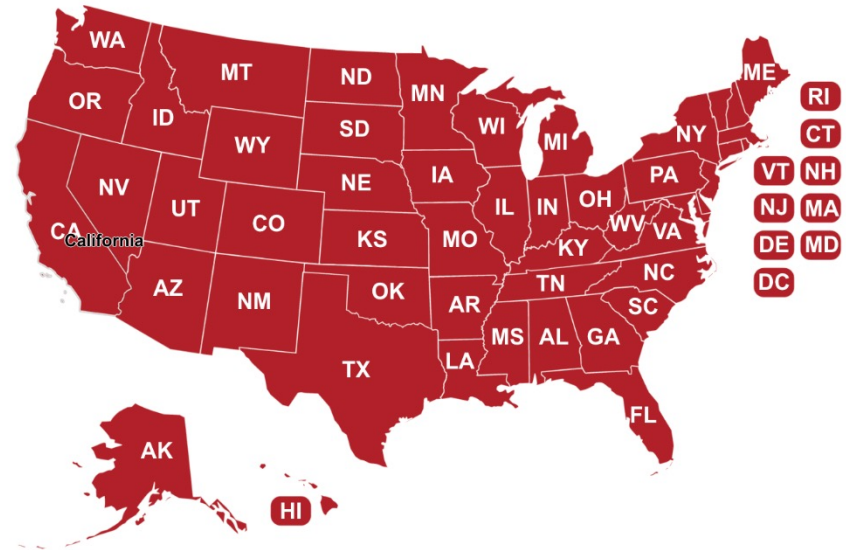
[Go to Map](#)



Earned Income Tax Credit



Emergency Housing & Safety Programs



<http://map.niwap.org/>

A GUIDE TO THE PUBLIC BENEFITS MAP



HOW TO DETERMINE
PUBLIC BENEFITS
ELIGIBILITY BY STATE AND
IMMIGRATION STATUS
FOR IMMIGRANT CRIME
VICTIMS AND
TRAFFICKING SURVIVORS

STEP ONE

TO START, BEGIN BY
ACCESSING THE NIWAP
WEBPAGE AT:
[HTTP://MAP.NIWAP.ORG](http://map.niwap.org)



STEP TWO

SEARCH BY...

BENEFIT

ONCE YOU'RE ON THE WEBPAGE,
SEARCH BY THE PUBLIC BENEFIT
YOU'RE INQUIRING ABOUT.
WHEN YOU SEE IT, SELECT "GO
TO MAP."



Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.



[Go to Map](#)

STEP THREE

SEARCH BY...



SELECT THE STATE
FOR WHICH YOU
LIKE TO SEE
ELIGIBILITY
INFORMATION.

NOW THAT THE STATE HAS
BEEN SELECTED, SEARCH BY
THE CRIME OR TRAFFICKING
VICTIMS' IMMIGRATION CASE
TYPE OR STATUS, SCROLL TO
THE BOTTOM OF THE PAGE,
YOU WILL SEE VARIOUS
RESPONSES AS TO
ELIGIBILITY.

STEP FOUR SEARCH BY...



STATUS

STEP FIVE

THE QUICK ANSWER

- Eligible
- Eligible with Conditions
- Not Eligible

Next to the immigration case type/status, it will read "eligible," "eligible with conditions," or "not eligible." This speaks to an immigrant's eligibility for the selected public benefit in the state.

Asylee: Eligible

T Visa Holder: Eligible

T Visa Bona Fide: Applicants and Family members: Eligible with conditions

Continued Presence: Applicants and Family members: Eligible with conditions

Deferred Action for Childhood Arrivals (DACA): Not eligible

"Eligible with conditions" means the immigrant is eligible, but is subject to additional requirements before being able to access the benefit.

IF YOU WANT TO KNOW WHAT THE "CONDITIONS" ARE, OR WANT TO ACCESS THE CONTROLLING LAW, THAT INFORMATION IS AVAILABLE TO YOU. FOLLOW THE LINK TO THE STATE SPECIFIC CHART AT THE BOTTOM OF THE PAGE.

NEED MORE INFORMATION?

NEXT STEPS

Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License
- Earned Income Tax Credit
- Emergency Housing & Safety Programs
- Emergency Medicaid
- Federal Education Benefits
- FEMA Assistance
- FEMA Restricted Programs
- Food Stamps
- Forensic Costs Coverage
- Income Tax Credits
- Legal Services
- Medicaid
- Post-Assault Healthcare
- Prenatal Care
- Purchasing Health Insurance on the Exchanges
- State Education Benefits
- Supplemental Security Income
- Weatherization & Energy Assistance
- WIC
- Unemployment (coming soon)

Resources: Healthcare for Immigrant Victims

- State by state public benefits detailed charts with citations
- State by state charts
 - VOCA funded post assault health care
 - Emergency Medicare
 - Forensic Exams
 - Prenatal Care

Texas Public Benefits Eligibility

Benefits in Texas Part 1

- TANF and TANF funded Child Care
 - Pre 8/22/96 T bona fide, Continued Presence (CP), VAWA self-petitioners with prima facie, asylees/refugees
 - On or after 8/22/96 T visas, asylees, refugees 4 year limit
 - VAWAs post 8/22/96, U Visas and SIJS after LPR and 40 quarters of work credit
 - Exception: veterans, active duty military, or their spouse or unmarried children
- Child care: Child Care Development Fund no restrictions

Benefits in Texas Part 2

- Health Care Exchanges: VAWA, CP, asylee/refugees, T visa, U visas with deferred action (bona fide/waitlist), SIJS applicants
- Health care for pregnant women and children– no restrictions
- Child Health Care (CHIP): T visas, CP, refugees, asylees, VAWA prima facie, U visas with deferred action (bona fide/waitlist), SIJS applicants
- Full scope adult Medicaid:
 - T visas, Refugees, asylees, CP, T visa (4 year limit) and 5 year bar for arrivals on or after 8/22/96
 - VAWA prima facie except arrivals on/after 8/22/96= 5 year bar (VAWAs exempt from 40 quarter requirement)
 - After LPR + 40 quarters work credit (E.g. U visas, SIJS) battered immigrants, veterans, military & their spouses exempt from 40 quarters
- Prenatal care through CHIP Perinatal Program – no immigration restrictions

Benefits in Texas Part 3

- SNAP Eligible
 - Refugee/asylees, CP and T visa bona-fide
 - VAWA self-petitioners with prima facie and LPR if children, elderly, disabled or completed 5 years bar
 - 40 quarters not required for battered immigrants
 - After LPR if children, elderly, disabled, or 40 quarters work credit (not required for battered immigrants) = E.g. U visas, SIJS
- CARES Act – Victims with legal work authorization
 - Recovery payments and unemployment insurance
- LIHEAP or Weatherization Assistance Program– VAWAs, T visa, CP, refugees, asylees, U or SIJS with lawful permanent residency

Benefits in Texas Part 4

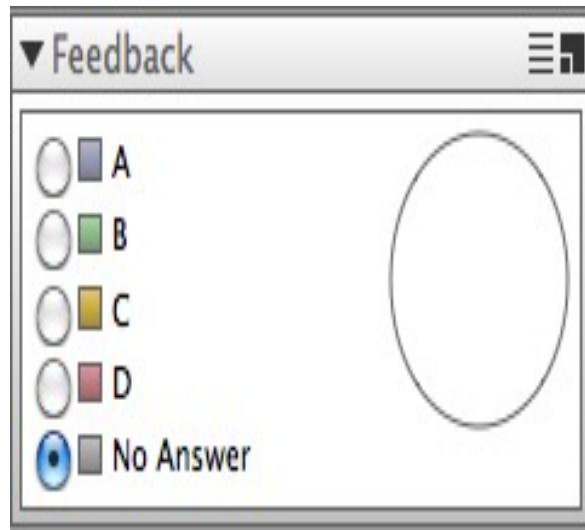
- Education
 - Post Secondary Educational Grants and Loans - Federal
 - VAWA self-petitioners, CP, T visa, and LPRs (U visa & SIJS)
 - State funded education
 - Public postsecondary institutions: in-state tuition and scholarships for students without regard to immigration status for
 - Texas high school graduates or GEDs who
 - Attended school in TX for 3 years while residing in the state
 - Affidavit will apply for LPR at earliest opportunity
- SSI (most limited): CP, T visa
 - VAWA & U Visa/SIJS LPRs (5 year bar+ 40 quarters work)
- Drivers' license - federally recognized/work authorization
 - VAWA approved/bona fide, T visa bona fide, CP, U visas with deferred action (bona fide or waitlist) DACA, , SIJS -LPRs

Immigrants Exempt From Public Charge

- Victims
 - VAWA, T visas and U visas exempted
 - SIJS children
- Refugees
- Asylees
- DACA
- Visa holders
- Most lawful permanent residents

Immigrant Access to Public and Assisted Housing

Poll: Which of the following programs does **NOT** have immigrant access restrictions under Section 214?



The image shows a software window titled "Feedback" with a standard Windows-style title bar. Inside the window, there is a vertical list of five radio button options. The first four options are labeled A, B, C, and D, each with a colored square next to its label: A (blue), B (green), C (yellow), and D (red). The fifth option is labeled "No Answer" with a grey square. The "No Answer" radio button is currently selected, indicated by a blue dot in the center of the button. To the right of the list is a large, empty oval shape.

- A. Public Housing
- B. Section 8 Vouchers
- C. Project Based Section 8
- D. Low Income Tax Credit
- E. Section 514 and 516 Farm Labor Housing programs

“Section 214” Restricted HUD Programs

- Public Housing
- Housing Choice Voucher Program
- Section 8 Project-Based Housing
- Section 236 Housing
- Section 235 Homeownership Housing
- Rent Supplement Housing
- Housing Development Grants (HoDAG)
- Section 23 Leased Housing Program

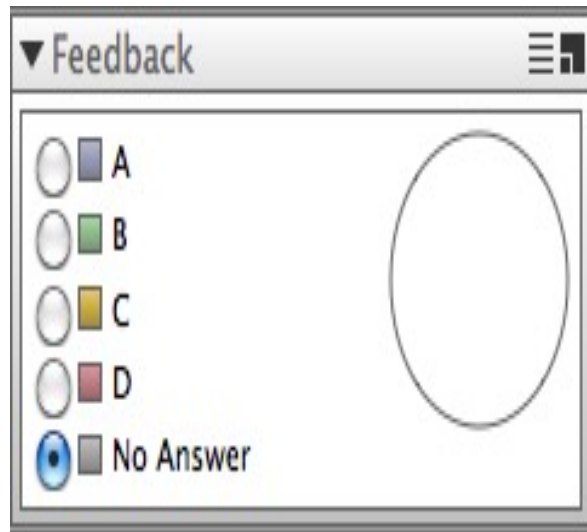
“Section 214” Restricted RD Programs

- Section 514/516 farm labor housing
- Section 502 direct homeownership home loan program
- Section 504 minor rehabilitation loan and grant program
- Section 521 Rental Assistance Program
- RD Voucher Program

Federal Housing Programs That Are Not Restricted by Section 214

- Low Income Housing Tax Credit (LIHTC)
- Section 202 Housing for the Elderly
- Section 811 Housing for the Disabled
- Section 221 (d)(3)
- Indian Housing
- CDBG
- HOME
- HOPWA
- McKinney-Vento/HEARTH Act*
- Rental Rehabilitation
- HOPE 2
- Section 515 Rural Rental Housing Program (without Rental Assistance)
- Rural Housing Preservation Grants
- Section 538 Multi-family Loan Guarantees

Poll: Which of the following immigrants is **NOT** is Eligible for Public and Assisted Housing?



- A. Lawful permanent residents, refugees & asylum recipients
- B. VAWA self-petition applicants
- C. U visa applicants/recipients
- D. Bona Fide T visa
- E. Continued Presence

Section 214 Eligible Immigrant Categories

- U.S. Citizens/U.S. Nationals
- Lawful Permanent Residents
- VAWA self-petitioners
- Refugees and Asylees
- Parolees
- Persons granted withholding of removal/deportation
- Victims of trafficking – Continued presence and T visa bona fide
- 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 prior to January 1, 1982

Who is Eligible for Section 214 Housing?

- Mixed Status Families
 - If at least ONE member of the household has eligible immigration status, then the family can receive prorated assistance.
 - A minor can be the eligible household member
 - The non-eligible family member certifies that they do not wish to contend eligibility and can still live in the assisted unit

Does a Housing Provider Report Status to ICE?

- USCIS cannot use documents checked against the SAVE database to mount any enforcement investigation
- **PHAs** that “know” that someone contending eligibility for Section 8 or Public Housing programs is in the country without lawful status must report that information to USCIS on a quarterly basis

Defining “Know”

- “KNOW” has a very narrow definition
 - A finding of fact or conclusion of law made by the PHA as part of a formal determination that is subject to administrative review on the applicant’s claim, AND the finding is supported by a determination by USCIS or the Executive Office of Immigration Review (EOIR), such as a Final Order of Deportation
- Reporting is *not triggered* by:
 - An oral or written admission by the immigrant;
 - A worker’s suspicion, assumption, or firm conviction about the person’s immigration status;
 - A response from USCIS to a SAVE inquiry that fails to confirm an applicant’s immigration status or that shows an immigrant status that would make the applicant ineligible; or
 - A formal finding that the person is ineligible for a benefit.

VAWA Self-Petitioners

- HUD issued a legal memo confirming that VAWA self-petitioners have “satisfactory immigrant status” when applying for Section 214 housing.
 - Housing providers must verify immigrant status by using the SAVE system
 - Documents to verify VAWA self-petitioner’s status
 - VAWA protections apply
- HUD PIH issued notice for public housing authorities on VAWA self-petitioner verification procedures.

VAWA Self-Petitioners and HUD

- Victims with VAWA self-petition filed
 - Children included in VAWA self-petition
- VAWA cancellation of removal and VAWA suspension of deportation applicants
 - Victims' children are not included in these applications
 - Will only appear in SAVE system if have work authorization
- Victims with approved I-130 visa petitions filed by their abusive spouse or parent
 - Children included in I-130 visa application filed for victim

How Housing Providers Are to Complete DHS -SAVE System Online

- 1) Enter into SAVE the VAWA immigrant victim's:
 - Name + A# + Date of birth
- 2) System issues “Match” or “No Match” response
- 3) If “No Match” - Click “Institute Additional Verification”
AND Enter in the note field either
 - “Verify VAWA Self-Petition” or “Verify I-130 Visa Petition” AND
 - Upload copy of the victim's DHS document:
 - I-360 VAWA self-petition
 - I-130 Family-based visa petition
 - I-797 Notice of Action: Used for receipt notice, prima facie determination, and approval notice

Definition “Battering or Extreme Cruelty”

- Being the victim of any act or a threatened act of violence, including any forceful detention,
- Which results or threatens to result in physical or mental injury.
- Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence.
- Other abusive actions may also be acts of violence under this rule.
- Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence. 8 C.F.R. §204.2(c)(1).

Any Credible Evidence of Battery or Extreme Cruelty

- Affidavits/Statements of the victim, witnesses, advocates
- Medical records
- Photographs of injuries
- Helpful but not required:
 - Police reports
 - Protection orders
 - Criminal court or family court records
- “Any Credible Evidence” standard allows victims the greatest flexibility to prove abuse in the safest way possible
 - Recognizes dangers of perpetrator controlled evidence
- Specific forms of evidence cannot be required
- Housing provider decides the credibility of the evidence

HUD Social Security Number Requirements

100

- HUD rules re: SSNs, 24 C.F.R. part 5, Subpart B
- For most HUD programs, every member of an applicant household **must** disclose their SSNs to be eligible for assistance. This requirement applies to:
 - Public Housing
 - Any program under Section 8 of the Housing Act of 1937
 - Section 202 Supportive Housing for the Elderly
 - Section 811 Supportive Housing for Persons with Disabilities;
 - Any program under 24 C.F.R. parts 215, 221, 236, or 290
 - Homeowner assistance

HUD SSN requirements (cont'd)

101

- To verify SSNs, an applicant must produce:
 - For public housing and vouchers
 - ✦ An original SSN card;
 - ✦ An original SSA-issued document containing the applicant's name and SSN; or
 - ✦ An original document issued by a federal, state, or local gov't agency containing the applicant's name and SSN
 - For HUD multifamily housing
 - ✦ SSN card or other documents showing SSN
- The housing provider transmits the applicant's name, SSN, and date of birth to HUD.
- HUD validates the SSN against the SSA's database.

HUD SSN Requirements (cont'd)

102

- The SSN disclosure requirements do **not** apply to applicants who do not contend eligible immigration status
 - 24 C.F.R. § 5.216; HUD Notice PIH 2012-10 (Feb. 14, 2012)
- A housing provider may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend eligible status
 - HUD Notice PIH 2012-10 (Feb. 14, 2012)

Non-Work SSN for VAWA Self-Petitioners

- HUD regulations require that public and assisted housing recipients provide a Social Security Number.
- VAWA self-petitioners can request a non-work social security number from SSA.
- The victims' advocate or attorney should simultaneously request that the Public Housing Authority who received the victims' application for public or assisted housing to issue a letter that the victim can request a non-work social security number from SSA.

VAWA Housing Protections

NIWAP

nhlp

NATIONAL
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Violence Against Women Act (VAWA 2013)

- Intended to encourage survivors who are receiving housing subsidies to report and seek help for the abuse committed against them, without being afraid of being evicted.
- **Only applies to federal housing programs**
- Protects individuals applying for or living in federally subsidized housing from being discriminated against because of acts of **domestic violence, sexual assault, dating violence, and stalking** committed against them.
- Applies to survivors regardless of sex, gender identity, or sexual orientation.

VAWA 2013 Housing Protections: Still in Effect!

- Even though VAWA has not been reauthorized since 2013, VAWA housing protections **remain in effect**.
- VAWA's substantive housing legal protections **do not expire**.
- U.S. Department of Justice, Office on Violence Against Women (OVW) has reiterated this in a blog post:

“VAWA contains no sunset provision and does not expire. Expiration of the appropriations authorizations in VAWA pertains to the grant programs alone and not to the other legal improvements that have accompanied these authorizations since 1994.”

You can find the OVW post in its entirety [at this link](#).

VAWA 2013 Covered Programs

HUD Programs	
• Public Housing	• § 236 Multifamily rental housing
• Section 8 vouchers	• § 221d3/d5 Below Market Interest Rate (BMIR)
• Project-based Section 8	• HOME
• Section 202 Supportive Housing for the Elderly	• HOPWA (Housing Opportunities for People w/AIDS)
• Section 811 Supportive Housing for People with Disabilities	• McKinney-Vento Homelessness Programs (includes ESG; CoC)
• Housing Trust Fund	
Department of Agriculture	
• Rural Development (RD) Multifamily	
Department of Treasury/IRS	
• Low Income Housing Tax Credit (LIHTC)	

Who is Protected by VAWA?

VAWA covers people who are survivors of:

Domestic violence: Any felony or misdemeanor crimes of violence committed by: a current/former spouse or intimate partner, person with whom the victim shares a child, person who is or has cohabitated with the victim; **a person against a victim protected from acts under state/local domestic and family violence laws.**

Dating violence: Violence committed by a person who is/was in a social relationship of intimate nature with victim as determined by considering three factors

Sexual assault: Any nonconsensual sexual act prohibited by law

Stalking: Any conduct directed toward a specific person that would cause a reasonable person to fear for safety or suffer substantial distress

Applicants and tenants who are survivors of domestic violence, dating violence, sexual assault, or stalking cannot be discriminated against because of their status as a survivor of these covered crimes.

VAWA Anti-Discrimination Protections (cont'd)

This means that survivors cannot:

- Be denied admission to a covered housing program,
- Be denied assistance under a covered housing program,
- Have their assistance terminated, or
- Be evicted from federally assisted housing **because of the violence committed against them.**

- Covered housing providers must provide all tenants and applicants a notice describing VAWA housing rights and a VAWA self-certification form.
- Forms must be provided to tenants and applicants:
 - (1) when applicants are denied assistance;
 - (2) when an individual receives assistance under a covered housing program; and
 - (3) when an individual receives a notice of eviction or subsidy termination from a covered housing program.
- Forms are available in 15 languages on HUD's website.

HUD Notice of VAWA Rights – HUD Form 5380

NATIONAL
HOUSING LAW
PROJECT

NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 06/30/2017

[Insert Name of Housing Provider¹]

Notice of Occupancy Rights under the Violence Against Women Act²

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.³ The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Documentation Options for Asserting VAWA Housing Protections

1. Self-certification form

- **HUD Form 5382 (all HUD programs)**

2. Police, court or administrative record

- Record can be from a federal, state, tribal, territorial, or local entity or administrative record.

3. Statement from third party

- Can be from a victim service provider, medical professional, mental health professional or attorney.
- Must be signed by both third party and survivor under penalty of perjury.

4. Statement or other evidence (accepted at housing provider's discretion)

HUD Form 5382 (Self-Certification Form)

<p>CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION</p> <p style="text-align: right;">U.S. Department of Housing and Urban Development OMB Approval No. 2577-0286 Exp. 06/30/2017</p> <p>Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.</p> <p>Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.</p> <p>In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:</p> <p>(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.</p> <p>(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or</p> <p>(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.</p> <p>Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.</p> <p>Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.</p> <p style="text-align: right;">Form HUD-5382 (06/2017)</p>	<p style="text-align: right;">2</p> <p><u>TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING</u></p> <p>1. Date the written request is received by victim: _____</p> <p>2. Name of victim: _____</p> <p>3. Your name (if different from victim's): _____</p> <p>4. Name(s) of other family member(s) listed on the lease: _____</p> <p>5. Residence of victim: _____</p> <p>6. Name of the accused perpetrator (if known and can be safely disclosed): _____</p> <p>7. Relationship of the accused perpetrator to the victim: _____</p> <p>8. Date(s) and time(s) of incident(s) (if known): _____</p> <p>10. Location of incident(s): _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> </div> <p>This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.</p> <p>Signature _____ Signed on (Date) _____</p> <p>Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.</p> <p style="text-align: right;">Form HUD-5382 (06/2017)</p>
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Showing Eligibility for VAWA Housing Protections

- Survivor generally gets to choose form of documentation.
 - Housing providers must accept VAWA self-certification form unless exception applies (see below).
 - Survivors do not have to contact the police or initiate legal proceedings against abuser or perpetrator.
- Exception for when there is conflicting evidence; housing providers can then ask for third-party documentation (but survivor gets to choose which type of third-party documentation)

Showing Eligibility for VAWA Housing Protections (cont'd)

- To obtain documentation, housing providers make a written request asking tenant to provide proof of violence/abuse.
 - Any request by housing provider for proof must be in writing.
 - Just providing HUD VAWA self-certification form (HUD Form 5382) is not a written request.
- Tenant has 14 business days to provide proof, but time can be extended at housing provider's discretion.
- Covered housing provider is also free to take tenant at their word.

Family Breakups and Vouchers

- Housing authority can terminate Section 8 Housing Choice Voucher assistance to the abuser while preserving assistance to survivor
- Section 8 Housing Choice Vouchers
 - If a family breakup results from occurrence of abuse or violence, “the PHA **must** ensure that the victim retains assistance.” 24 C.F.R. 982.315(a)(2).
 - Survivors can request that vouchers be transferred to their names because of abuse.

Lease Bifurcations

- Housing provider may bifurcate a lease to evict an abuser while allowing the survivor to stay.
- The landlord must follow federal, state, and local law in evicting the abuser.
- Lease bifurcations are available to tenants AND residents.

- Covered housing providers must have had emergency transfer plans in place and implemented as of **June 14, 2017**.
- Emergency transfer plans must provide that a tenant who is a survivor qualifies for an emergency transfer if:
 - The tenant “expressly requests” the transfer and
 - The tenant reasonably believes there is a threat of imminent harm from further violence if they remain in unit or if a sexual assault occurred on the premises 90 days before the transfer request.
- Participants not in good standing can request emergency transfer.

- Covered housing providers cannot deny housing, terminate, or evict an applicant or tenant **on the basis or as a direct result of** having been a survivor of domestic violence, dating violence, sexual assault, and stalking.
 - Adverse factors resulting from the abuse
 - Admissions – poor credit and criminal history
 - Evictions - property damage, unauthorized occupancy, non-reported income
- Actual or threatened abuse does not constitute a “serious or repeated lease violation” or “good cause” for evicting the survivor or terminating their rental subsidy.

- Housing providers can still evict or terminate assistance if they can demonstrate an “actual and imminent threat” to other tenants or employees at the property if the survivor is not evicted.
 - High bar: eviction or termination of assistance should occur “only when there are no other actions that could be taken to reduce or eliminate the threat.” 24 C.F.R. 5.2005(d)(4).
- Can evict or terminate assistance for violation not premised on VAWA crimes
- Must comply with court orders re: property rights

- Any information submitted by survivor under VAWA must be maintained in “**strict confidence**” by covered housing providers.
- Confidential information will not be entered into shared database or disclosed to others, except if disclosure is:
 - Requested or consented to in writing by survivor in **time-limited** release;
 - Required for use in eviction or termination hearing; or
 - Otherwise required by law.

COVID-19 Updates

Acknowledgement: Slides in this section are based on materials for past presentations co-developed with the National Alliance for Safe Housing.

NIWAP

nhlp

NATIONAL
HOUSING LAW
PROJECT

- On August 26, the U.S. Supreme Court invalidated the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC).
- Some tenants may continue to be protected by state and local eviction and utility shutoff moratoriums.
 - <https://evictionlab.org/covid-eviction-policies/>

- Help survivors access emergency rental assistance by:
 - Finding your local rental assistance program using the National Low Income Housing Coalition's database: <https://nlihc.org/rental-assistance>
- 211 is another resource: <https://www.211.org/get-help/housing-expenses>
- Consumer Financial Protection Bureau info: <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/>

Review of Emergency Rental Assistance Program (ERAP) Funds

Eligible Uses:

- Financial Assistance
- Housing Stability Services
- Administrative expenses

Financial Assistance:

- Rent and rental arrears (including at previous addresses)
- Utilities & home energy costs and arrears
- “Rent bond” fees in eviction actions
- Other housing-related expenses incurred directly or indirectly due to COVID-19, which may include:
 - Relocation expenses, including security deposits
 - Rental fees, including application and screening fees
 - Reasonable accrued late fees
 - Internet service, etc.

Eligible Households:

1. At least 1 member of the household has qualified for unemployment benefits or experienced COVID-19-related financial hardship,
2. A member of the household can demonstrate a risk of experiencing homelessness or housing instability, and
3. Household income is 80% AMI and below.

Benefit Cap:

- Tenants may receive 18 total months of ERAP assistance

- ERAP funds are generally paid directly to landlord or utility provider
- If the landlord refuses to apply for ERAP funds, tenants can apply and receive the funds
- Funds may be used to pay prospective rent for tenants
- Tenants in federally subsidized housing may access ERAP funds for their portion of the rent and utilities
- ERAP funds are not regarded as income for other public benefits purposes
- **Self-attestation is permitted**
- Check Department of Treasury website for updates to guidance: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>

Watch Out For:

- **Immigration Restrictions:** There are no immigration restrictions on federal Emergency Rental Assistance Program (ERAP) funds. Tenants are eligible regardless of immigration status.
- **SSN Requirements:** Rental assistance administrators should not ask for or require a Social Security Number (or state-issued ID) from tenants in order to obtain assistance.
- **Requirements for written leases:** There is no requirement that tenants have a written lease agreement in order to obtain assistance. Tenants with oral agreements should not be excluded from assistance.

Watch Out For:

- **Language and Disability Access Issues:** People with limited English proficiency and disabilities must be able to access ERAP funds.
- **Any barriers for survivors of sexual assault and/or domestic violence – we want to hear about this!**

What If a Survivor is Facing Eviction?

- If you are working with someone being evicted, refer to an attorney **as soon as possible**.
- Locating legal aid offices
 - <https://www.lsc.gov/what-legal-aid/find-legal-aid>
 - <https://www.lawhelp.org/find-help>

- The American Rescue Plan Act provided \$5B in Emergency Housing Vouchers (EHVs) in March 2021.
- EHV's are tenant-based rental assistance similar to Housing Choice Vouchers (“Section 8 vouchers”).
 - Administered by HUD via public housing agencies (PHAs)
 - Participants must lease up in the private market
 - Mobile rental subsidy

- Individuals and families who are
 - **Fleeing or attempting to flee domestic violence, sexual assault, dating violence, stalking, or human trafficking**
 - Experiencing homelessness
 - At risk of experiencing homelessness
 - Recently homeless and providing the voucher would prevent the individual's/family's homelessness or from having a high risk of housing instability

- U.S. citizen and immigration status requirements are same as in Section 8 Housing Choice Voucher program.
- At least one household member must be a U.S. citizen/national or be an “eligible immigrant”.
 - U.S. citizen or eligible immigrant can be a minor child
- Mixed-status families receive prorated EHV assistance.

www.hud.gov/ehv

 U.S. Department of Housing and Urban Development

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Need Housing?

Contact your local [Continuum of Care \(CoC\)](#)

Service Providers

[List of EHV Awardees \(MS EXCEL\)](#) Updated 6/22/2021

[Find Your Local Public Housing Agency \(PHA\)](#)

[Administration for Children and Families Contacts \(MS EXCEL\)](#)

Policy Notices

[PIH 2021-15: EHV Operating Requirements](#)
Published 5/5/2021

EMERGENCY HOUSING VOUCHERS



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

Immigrants and Benefits: True or False

1. Receiving public benefits can harm an immigrant victim's ability to obtain legal immigration status
2. Undocumented immigrant parents can apply for public benefits for immigrant children
3. Immigrants applying for benefits for their children can refuse to provide immigration or social security information about themselves

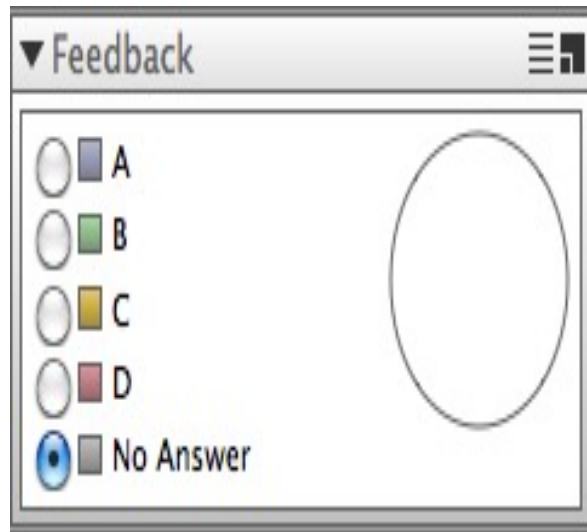
Importance of Accompaniment

- Federal Reporting Requirements
- Widespread Problems Nationally
 - Turned away at the door
 - No language access
 - Denied benefits for citizen children
 - VAWA eligible denied benefits
 - PRUCOL state benefits
- Need witnesses and documentation of treatment by benefits workers

Importance of Accompanying Immigrants in Applying for Public Benefits

- Help educate state benefits workers
- Accompanying immigrant applicants helps
 - Children and survivor get what they are legally entitled to access
 - Varies by state, immigration status, benefits program
 - Helps undocumented parents file for benefits for their citizen or LPR children
 - State welfare worker reporting requirements

Poll: What would you take with you to a public benefits agency with an immigrant survivor?



- A. Copy of the state/federal benefits statute
- B. DHS documents showing how victim is eligible
- C. Relevant state/federal policies
- D. All of the above

Technical Assistance and Materials

- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org
 - Web Library: www.niwaplibrary.wcl.american.edu
- National Housing Law Project
 - Kate Walz, kwalz@nhlp.org -- 415-546-7000, ext. 3129
 - Renee Williams, rwilliams@nhlp.org -- 415-432-5721

NIWAP Web library

niwaplibrary.wcl.american.edu



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