

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

Day Two
Session 4C
New Orleans, LA

Introductions

- Leslye Orloff
 - Director, National Immigrant Women's Advocacy Project
- Aparna Bhattacharyya
 - Executive Director, Raksha

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?

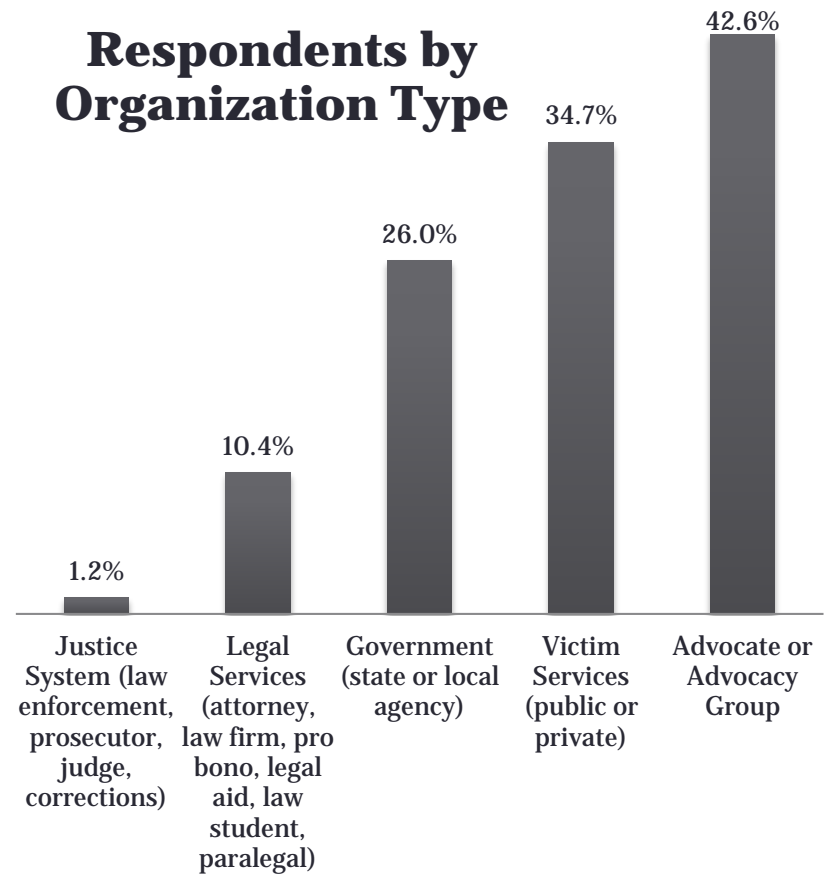
Common Criteria

- 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

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%

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
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
- Web Library: www.niwaplibrary.wcl.american.edu

Questions



Evaluations



Thank you!

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