

Immigrants and Affordable Housing Programs

**Basic Benefits Training
Immigration and Public Benefits
June 17, 2020**

Note: These are the current policies and rules about immigrants and housing programs. If there are changes we will post them on ***masslegalhelp.org*** and ***masslegalservices.org***.

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There are many rules about which immigrants are eligible for the different public and subsidized housing programs in Massachusetts. Some programs can limit who can apply, and some programs do not. For families where some members are immigrants and some are citizens, there are additional rules to consider.

This section introduces you to the rules that affect immigrants who apply for public or subsidized housing. The section also gives information about whether an immigrant family will pay a higher rent once they are accepted into a housing program.

Eligibility

1. Do I have to be a U.S. citizen to qualify for public and subsidized housing or vouchers?

No, you do not have to be a United States citizen to qualify for public or subsidized housing or rental vouchers. Lawful permanent residents and many other immigrants may qualify for all types of assisted housing. You are eligible for **state** housing programs no matter what your immigration status is.

If your *entire* family is undocumented, you will not be eligible for the largest **federal** programs listed in **Question 3** but you may be eligible for other programs listed in **Question 2**. For these federal housing programs, if *some but not all* household members are citizens or have certain types of eligible immigration status, your portion of the rent will be higher than it otherwise would be. This may result in a rent that you cannot afford and make it unwise for you to apply for those programs. See **Questions 9** and **10**.

Some housing programs do not require information about immigration status or citizenship at all. Other programs are allowed to ask you about your citizenship or immigration status.

2. What housing programs are immigrants eligible for no matter what their status?

In Massachusetts, **all state** housing programs and **some federal** programs **do not have any citizenship or immigration status requirements**.

State housing programs with no immigration restrictions:

- § State public housing
- § Massachusetts Rental Voucher Program (MRVP)
- § Alternative Housing Voucher Program (AHVP)
- § State-funded multifamily (privately owned subsidized) housing

Federal housing programs with no immigration restrictions:

- § Some federal multifamily (privately owned subsidized) developments

- § Housing Opportunities for Persons with AIDS (HOPWA)
- § McKinney Homeless Programs
(except for the McKinney Section 8 moderate rehabilitation program)
- § Shelter Plus Care
- § Supportive Housing
- § HOME Rental Assistance
- § Low Income Housing Tax Credit properties (unless there are other housing program rules for the property restricting immigrant eligibility)

3. What housing programs limit immigrant eligibility?

These major federal housing programs will only consider an application if you or at least one person in your household is a citizen or has an “eligible” immigration status. These are the *restricted programs*:

- § Federal public housing
- § Section 8 Housing Choice Vouchers
- § Section 8 moderate rehabilitation program
- § Most federal multifamily (subsidized) developments
- § Federal First Time Homebuyer programs

4. Who is eligible for federal housing programs that limit admission based on immigration status?

Your whole family may qualify for any **federal** housing program listed in **Question 3** if **at least one member of your household is a citizen or eligible noncitizen, as follows:**

Citizens

- § A citizen born in the United States
- § A naturalized citizen

Eligible Noncitizens

- § A lawful permanent resident

- § A *registry* immigrant (admitted for permanent residence by the U.S. Attorney General and eligible for citizenship)
- § A *refugee* or an *asylee*
- § A *conditional entrant*
- § A *parolee*
- § A *withholding grantee*
- § A person granted 1986 *amnesty* status
- § A resident of the Marshall Islands, Micronesia, Palau, or Guam
- § A victim of trafficking or relatives of such a victim
- § VAWA (Violence Against Women Act) Self Petitioners

If at least one member of your household fits into any of the categories above, your whole family can apply to all of the **federal restricted programs**. This person does not have to be the head of household.

If, however, no one in your household fits into any of these categories, you are not eligible for the federal housing programs listed in Question 3. Your family may still apply to the housing programs listed in Question 2.

Many housing authorities offer both **state and federal** housing programs. You can apply for state-funded housing at these housing authorities even if you are not eligible for federally funded housing because of your immigration status, or if the federal rent will be too high. You should make sure that you are on the waiting list only for the housing authority's **state-funded** housing.

5. What if I will eventually have a “green card,” but I don’t have one now?

Unless you have an immigration status listed in **Question 4**, you are **not eligible for the federal** housing programs in **Question 3**. However, you remain eligible for state housing or the federal housing in **Question 2**. Once you are granted lawful permanent resident status, or a “green card,” you may be eligible for all of the federal housing programs. Until then, you are eligible for the federal housing programs only if another household member is a citizen or falls into any of the *eligible noncitizen* categories discussed in **Question 4**.

6. What if I have work authorization? Is this enough for federal housing that restricts immigrants?

No. You still must meet the immigration restrictions for the federal programs listed in **Question 3**. A number of people may qualify for work authorization due to their immigration status and still not be considered *eligible noncitizens* for the federal housing programs discussed in **Question 3**. You must fit into one of the categories discussed in **Question 4**.

7. What if I am a victim of domestic violence?

If you or your children are victims of domestic violence and are not U.S. citizens, you may qualify for certain special immigration protections under the Violence Against Women Act (VAWA). Recent HUD rules allow VAWA Self-Petitioners to indicate they are in “satisfactory immigration status”. After a verification procedure shows that these applicants have applied for VAWA protection the housing authority or subsidized owner, may count them as an eligible non-citizen. See article at <http://nlihc.org/article/hud-clarifies-certain-noncitizen-victims-domestic-violence-are-eligible-housing-assistance>.

8. Am I eligible for housing if not everyone in my family has an eligible immigration status?

Yes. There are no immigration restrictions for **state-assisted** housing or the **federal programs listed in Question 2**. You may also qualify for any **federal** housing programs listed in **Question 3** if at least one member of your household is a *citizen* or *eligible noncitizen*. See **Question 4**. Households that include people with both qualified and not qualified immigration status are called **mixed households**. For example, if you do not have an eligible immigration status for federal housing but your child was born in the United States and is a U.S. citizen, you have a *mixed household*.

If you have a *mixed household*, you will be eligible only for *pro-rated assistance* in the **federal restricted programs** listed in **Question 3**. This may mean the rent will be too high for you to afford. See **Questions 9** and **10**.

9. What is pro-rated rent for mixed families in federal housing?

Pro-rated assistance (or pro-rated rent) applies to the major **federal housing programs in Question 3** and means that the housing authority or multifamily owner will base your housing assistance or subsidy on the number of *eligible* family members, not on the total number of people, in the household. You can move into a unit available through one of these programs. However, your subsidy will be calculated as if your *mixed* household included only the *citizens and eligible noncitizens*. Although the subsidy will be lower, the incomes of all household members are counted. Therefore, your share of the rent will be higher in the programs listed in **Question 3** than in the housing programs listed in **Question 2**.

For example, if you have four people in your household and only two of them are *citizens or eligible noncitizens*, the housing authority will give you a Section 8 subsidy as if you had a two-person household. The subsidy will be *pro-rated* by 50%. If in this example, the total rent is \$1,200, and the Section 8 voucher is worth no more than \$900, this is how it would work:

Calculation of voucher before pro-ration

| | |
|---|--------------|
| Total rent to landlord | \$1,200 |
| Section 8 voucher worth | \$900 |
| <hr/> | |
| Your rent payment without pro-ration | \$300 |

Pro-ration of voucher

| | |
|--|--------------|
| Section 8 voucher worth | \$900 |
| Housing authority pays 50% | \$450 |
| <hr/> | |
| New pro-rated Section 8 voucher | \$450 |

Re-calculation of your rent with pro-ration

| | |
|--|--------------|
| Total rent | \$1,200 |
| Pro-rated Section 8 voucher worth | \$450 |
| <hr/> | |
| Your rent payment with pro-ration | \$750 |

Calculations for the federal public housing and subsidized developments are figured a little differently, but the general rule is the same: pro-rated rent is higher and the amount depends on what proportion of your household is eligible.

10. If I have a mixed family where some, but not all, household members have eligible

immigration status, should I still apply to federal housing?

Often *pro-rated assistance* means that the rents in **federal restricted programs** are too high to afford, so it is usually a better idea to pursue the unrestricted housing programs listed in **Question 2**. If you are applying at a housing authority that runs both state-funded and federally-funded housing programs, and your pro-rated rent would not be affordable, you should ask to withdraw your application from the federal programs listed in **Question 3** but keep your application active for the programs listed in **Question 2**.

Immigration Status

11. Does a housing authority or a subsidized landlord check my immigration status?

If you apply for housing programs listed in **Question 2**, then the housing authority or landlord should not check your immigration status.

If you apply for the **federal** housing programs in **Question 3**, the housing authority or subsidized landlord will verify the immigration status of all members of your household who plan to live in the apartment.

12. What if I do not have eligible status, or I do not want my immigration status checked?

It would be best to apply for a **state** housing program or the federal programs listed in **Question 2**. If you apply for a **federal** housing program listed in **Question 3**, the housing authority or subsidized landlord will require you to sign a form, sometimes called a *Section 214 Declaration*, for each household member claiming that he or she is either a *citizen* or an *eligible noncitizen*. If you know that someone in your household does not have eligible status, you should **NOT** complete this form. By signing this form, you are claiming that everyone in the household has eligible status, and you are agreeing that immigration authorities can check on your status.

Instead of completing the Section 214 Declaration, you can provide a written statement that one or more household members are not claiming to have eligible status. This is sometimes known as a *Non-Contending Form*. See the sample Non-Contending Form in the **Reference Materials at the end of this chapter**. Once a Non-Contending Form is completed, the housing authority or subsidized landlord should not check the immigration status of that person. Be warned, however, that if there is one or more ineligible household member, your rent will be *pro-rated*. See **Questions 9 and 10**.

13. What verifications can the housing authority or subsidized landlord require?

If you claim to be a citizen, the housing authority or subsidized landlord may request that you provide some proof of citizenship for **federal** housing in **Question 3**. For **federal** housing, if you are 62 years of age or older and an *eligible noncitizen* (see **Question 4**), you only need to provide proof of your age and a sworn statement of eligible immigration status. You do not need to provide any other documents proving your immigration status.

For all other *eligible noncitizens* in the household, you must provide documents from one of the immigration authorities to prove eligible immigration status, as well as a form consenting to verification of your information by the immigration authorities. **A list of acceptable documents you can use to prove immigration status is in the Reference Section at the end of these materials**

The housing authority or subsidized landlord should give you a notice telling you when to provide any requested documents. If you need more time, you can request an extension of up to 30 more days.

14. What happens once I have given the housing authority or subsidized landlord the papers they request for federal housing?

For **federal** housing, once you have submitted the immigration documents requested by the housing authority or subsidized landlord, they will then contact the Department of Homeland Security (DHS), an immigration authority, to conduct a computer check to verify *eligible noncitizen* status for any household members claiming that status through the SAVE system. Through this computer system, DHS may verify that you are eligible, may determine that you are not eligible, or may require the housing authority or

subsidized landlord to ask you to provide additional documents. DHS may take some time to respond. In the meantime, the housing authority or subsidized owner should continue to process your application. As long as you have submitted the documents requested, your application should not be delayed or denied simply because it takes awhile to complete this process. If you have claimed that all household members are *citizens* or *eligible noncitizens*, you should get full housing assistance until there has been a final verification of your eligibility.

If the housing authority or subsidized landlord ultimately decides that one or more household members are not *eligible noncitizens* based on information they receive from DHS, they must give you written notice of this. The notice must advise you of various rights that you have, including *appeal* rights and the right to *pro-rated assistance* if one or more household members are eligible.

15. Is there an appeal process?

If you think that you or a household member is an *eligible noncitizen* and the housing authority or subsidized landlord wrongly decided that you were not, you have the right to *appeal* this decision at the housing agency. You also have the right to appeal if you think the housing authority or subsidized landlord miscalculated what the *pro-rated rent* should be.

Any appeal must be requested within 30 days of the notice from the housing authority or subsidized landlord. During this appeal, there should be no action by the housing authority or subsidized owner and your application should not be delayed or denied.

Applications and Immigration Status

16. Can I be reported or deported for applying to public or subsidized housing?

Under current policies, **federal** Housing Authorities and subsidized owners almost never release information about immigration status to DHS (although they do report to HUD).

Housing programs are not required to report to immigration authorities if they merely “suspect” that someone does not have eligible status. They have to “**know**” about your status after making a formal determination. And “know” is defined very narrowly.

There is only one situation, and it is *very rare*, where a federal housing program is required to report lack of eligible immigration status: if you state on an application that you have eligible immigration status, you are denied housing, you *appeal* your denial of housing, and, during the course of this appeal, you are found not to have eligible status. In that case, after a hearing and determination, a housing program will likely report that you are “known” not to have eligible status or known to be unlawfully present.

State-funded housing programs do not collect citizenship or immigration information; in any case, these programs should also be prohibited from distributing such information by laws protecting confidentiality.

Although the U.S. Immigration and Customs Enforcement division of the Department of Homeland Security maintains a toll-free number to accept anonymous reports of immigration and customs violations, we have not heard of a housing authority or subsidized owner making such a report.

17. Can my immigration status be affected if I do not accurately report my current immigration status on my housing application?

Yes. If you falsely claim to be a *citizen* or an *eligible noncitizen* on your housing application, the immigration authorities can deny your immigration application and can refuse to let you enter, return to, or become a legal resident of the United States. You will not only be denied housing benefits but you can also suffer severe immigration consequences. Therefore, do not put anything on a housing application that is incorrect or untrue.

There are many instances when an immigration status may not be clear. If your immigration status is complicated and you are not sure whether you are eligible for a government housing program, you can write that on your application. You should also provide documents that show why you think you might be eligible for the housing program.

18. What should I put on the application about my income if I work but have not reported my income for taxes?

Most housing programs base the amount of rent on the household's income, and a family could be charged with fraud or evicted for failing to report income.

Immigrants who do not have a Social Security number can and should apply to the Internal Revenue Service for an Individual Taxpayer Identification Number (ITIN), an identification number for tax purposes that allows you to report income and pay taxes if you do not qualify for a social security number. You can apply for an ITIN by filling out Form W7, found at: www.irs.gov (in the Searching Forms and Publications search box type in "W7"). You can also get this form by going to an IRS office, or by calling 800-TAX FORM to have a copy mailed to you (takes 7-15 days), or faxing in a request to 703-368-9694.

For information on ITINs see

<https://www.americanimmigrationcouncil.org/research/facts-about-individual-tax-identification-number-itin>

19. Do I need to provide a Social Security number?

In general, housing programs can and do ask for Social Security numbers for every household member to check information on your application, such as your income.

You should never provide someone else's or a false Social Security or other government-issued identification number (such as the one assigned by the state for the purpose of other cash benefits, like welfare).

For **federal housing** every member of the household must provide a Social Security number *EXCEPT* for those household members who do not claim to have eligible immigration status. They are not required to provide a Social Security Number.

If you apply for **state housing** programs and do not have a Social Security number, there are no regulations about how to deal with this situation. State law does require adult household members in state-assisted housing to provide Social Security numbers. **However, the Massachusetts Department of Housing and Community Development (DHCD) has notified housing authorities that an applicant does not need a Social Security number to be eligible for its state-assisted**

programs - although if they have one they must provide it. If an adult member of your household does not have a Social Security Number, you should ask whether there are other forms, such as pay stubs and bank account statements, to use to verify identity or income.

A housing agency or owner may also tell you that they need a Social Security number so that they can search for your criminal history, or Criminal Offender Record Information (CORI). See **Chapter 2 of Legal Tactics: Tenant Screening**. It is true that recent revisions to CORI regulations permit Social Security numbers to be one of the sources of information used to help verify identity. However, using Social Security numbers is not mandatory, and there are other sources of information that can be used to verify your identity. You should tell the housing agency or owner that no Social Security number has been assigned to you, that you understand that having a Social Security number is not necessary for you to be eligible for the program, that you are willing to certify that you have no Social Security number, and that you are willing to cooperate in providing other verifications.

“Public Charge” and Federal housing

Public charge is a determination by the U.S. Citizenship and Immigration Service (USCIS) that a non-citizen will likely, in the future, primarily rely on government financial support through various public benefits. If USCIS decides that someone is likely to be a public charge, they may be denied the opportunity to become a Legal Permanent Resident or denied entry back into the United States after an extended absence.

For more details, see the public charge materials in this training packet and the materials on [Masslegalservices.org](https://www.masslegalservices.org) at <https://www.masslegalservices.org/publiccharge>.

To see a good factsheet on public charge and housing click here

- **Public charge only applies if you live in or apply to one of the three major FEDERAL housing programs** - The housing programs that might trigger a public charge determination include the three major FEDERAL housing programs –
 - Section 8 Housing Choice Voucher Program
 - Project-Based Section 8 Rental Assistance (which is for privately owned federally subsidized housing) and

- Public Housing
- **Public charge does NOT apply to ANY STATE HOUSING PROGRAMS.**
- **Many immigrants applying for or living in the three major federal housing programs are EXEMPT from public charge determination.** Some immigrants will not be subject to the public charge test. These include refugees, asylees, survivors of trafficking and other serious crimes, self-petitioners under the Violence Against Women Act, special immigrant juveniles, certain people who have been paroled into the U.S., as well as lawful permanent residents applying for U.S. citizenship.
- However, certain immigrants who currently receive or are eligible to receive public housing and Section 8 subsidies (such as parolees) would be subject to the public charge test if they apply for a green card through a family-based petition.
- **Public charge does not apply to an entire mixed household** - only individuals who apply for green cards and are not exempt from Public Charge
- ***In general, people should continue to apply for and reside in all affordable housing programs*** but it would be best to consult an immigration attorney if you are in the process of applying for a green card.

Reference Materials

Sample Declaration of Section 214 Status

NOTICE TO APPLICANTS AND TENANTS: In order to be eligible to receive the housing assistance sought, each applicant for, or recipient of, housing assistance must be lawfully within the United States. Please read the Declaration statement carefully, sign, and return it to the Housing Authority office. Please feel free to consult with an immigration lawyer or other immigration expert of your choice.

I, _____, certify, under penalty of perjury, that, to the best of my knowledge, I am lawfully within the United States because (please check appropriate box):

- I am a citizen by birth, a naturalized citizen, or a national of the United States;
- or
- I have eligible immigration status and I am 62 years of age or older (attach proof of age); or
- I have eligible immigration status as checked below.

Attach **INS** document(s) evidencing eligible immigration status and signed verification consent form.

Immigrant status under 101(a or 1010(a)(20) of the **INA**; or

Permanent residence under 249 of **INA**; or

Refugee, asylum, or conditional entry status under 207, 208, or 203 of the INA;

or

Parole status under 212(d)(5) of the **INA**; or

Threat to life or freedom under 243(h) of the **INA**; or # Amnesty under 245A of the INA.

Signature Date PARENT/GUARDIAN must sign for family members under age 18. DO NOT sign child's name.

Sample Non-Contending Form

I, _____, certify, under the penalty of perjury,¹ that the persons listed below are members of my household. Each person listed below has elected not to contend that he or she has eligible immigration status:

_____ First Name,
Middle Initial(s), Last Name

_____ First Name,
Middle Initial(s), Last Name

_____ First Name,
Middle Initial(s), Last Name

_____ First Name,
Middle Initial(s), Last Name _____

_____ Signature of Head of Household or Spouse Date

Instructions If one or more members of a family elect not to contend that they have eligible immigration status and the other members of the family establish their citizenship or eligible immigration status, the family may be considered for assistance despite the fact that no declaration or documentation of eligible immigration status is submitted by one or more members of the family.

The family, however, must identify the family member(s) who will elect not to contend that he or she has eligible immigration status. Type or print the names of the family members who elect not to contend that he or she has eligible immigration status below. Listed members do not sign below. However, the Head of Household or Spouse must sign and date the form in the space provided.

Acceptable Documents to Prove Immigration Status

According to HUD, the following are documents that you can give a housing authority or subsidized landlord to show what your immigration status is.

§ **Form I-551**, Alien Registration Receipt Card (“green card”) (for permanent resident aliens)

§ **Form I-94**, Arrival-Departure Record annotated with one of the following: # “Admitted as a Refugee Pursuant to Section 207” # “Section 208” or “Asylum” # “Section 243(h)” or “Deportation stayed by Attorney General” # “Paroled Pursuant to Section 212(d)(5) of the INA”

§ **Form I-94**, Arrival-Departure Record with no annotation and accompanied by one of the following: # A final court decision granting asylum (but only if no appeal is taken); # A letter from a Department of Homeland Security (DHS) asylum officer granting asylum (if application was filed on or after October 1, 1990) or a letter from a DHS district director granting asylum (if application filed was before October 1, 1990); # A court decision granting withholding of deportation; or # A letter from an asylum office granting withholding of deportation (if application was filed on or after October 1, 1990)

§ **Form I-688**, Temporary Resident Card annotated Section 245A or Section 210

§ **Form I-668B**, Employment Authorization Card annotated Provision of Law 274a.12(11) or Provision of Law 274a.12

§ **A receipt issued by the DHS** indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified § Form I-151, Alien Registration Receipt Card

§ **Other acceptable evidence.** If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register. This list is from HUD Occupancy Handbook 4350.3 REV-1, CHG-3 (June 2009), Chapter 3: Eligibility for Assistance and Occupancy.

Glossary

Many of these definitions were adapted from the National Immigration Law Center's *Guide to Immigrant Eligibility for Federal Programs*, 4th edition (June 2002). To order copies, contact NILC Publications at 213-639-3900, ext. 3, or visit: www.nilc.org.

Amnesty: The common term for the program that allowed certain immigrants who did not have a lawful immigration status to become lawful permanent residents. One group—*general amnesty immigrants*—consisted of people who lived in the United States without lawful status since before January 1, 1982. The other group—special agricultural workers—were immigrant farm workers who had performed agricultural work in the United States for at least 90 days between May 1, 1985, and May 1, 1986. The amnesty program, created by the Immigration Reform and Control Act of 1986, established a two-step process by which eligible immigrants could obtain, first, temporary status and then *lawful permanent resident* status.

Asylee: A person who has applied for and been granted *asylum*. In the United States, asylees may apply for *lawful permanent resident* status one year after being granted asylum.

Asylum: A lawful status permitting individuals to remain in the U.S. because they either have been persecuted, or have a well-founded fear that they would be persecuted, in their home country on account of race, nationality, religion, political opinion, or membership in a particular social group. Technically, an applicant for asylum in the United States must meet the same legal standard as a *refugee*. The difference is that an asylum applicant applies for this status while in the U.S., whereas a refugee is granted refugee status before arriving in the country. A person who has been granted asylum is an *asylee*.

Citizen of the U.S.: A person born or naturalized in the U.S.

Conditional entrant: An individual who was admitted to the U.S., under a provision of pre-1980 immigration law, because the individual was persecuted or feared persecution in his or her home country. Conditional entrant status was available only to nationals of communist or Middle Eastern countries.

Eligible noncitizen: An immigrant who belongs to a group that, under federal law, is allowed to apply to federal *restricted programs*. Allowable groups include *lawful permanent residents*, *refugees*, and *asylees*. For a complete list of *eligible noncitizens*, see **Question 4**. Only one household member must be

a *citizen* or eligible *noncitizen* for the whole family to be able to apply.

General amnesty immigrant: An immigrant who had lived unlawfully in the United States since before January 1, 1982, who is allowed under the Immigration Reform and Control Act of 1986 to legalize his or her immigration status. See *Amnesty*.

Immigration authorities: The government agencies that handle immigration matters, specifically, the Department of Homeland Security (DHS), the State Department, and the Department of Justice. The primary immigration authority used to be called INS, the Immigration and Naturalization Service. It has been reorganized, and most of its functions are now handled by DHS.

(1) *DHS* is responsible for the approval of all immigrant and nonimmigrant petitions, the authorization of permission to work in the U.S., the issuance of extensions of stay, and change or adjustment of an applicant's status while the applicant is in the U.S. It is also responsible for enforcing federal immigration laws, customs laws, and air security laws. It has several divisions that specifically deal with immigrants, including U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Patrol (CBP). USCIS processes and decides on petitions and applications of potential immigrants. CBP is responsible for securing and facilitating travel into the U.S. ICE is responsible for enforcing immigration laws.

(2) The *State Department*, which includes embassies and consulates abroad, issues U.S. visas to citizens of foreign countries who want to enter the United States. A U.S. visa allows you to travel to a port of entry, airport or land border crossing and request permission of the CBP to enter the U.S.

(3) The *Executive Office for Immigration Review*, a division of the Department of Justice, is the court that decides on immigration cases and determines whether an immigrant will be allowed to remain in the U.S. or be removed to another country.

Lawful permanent resident (LPR): An immigrant who has been granted a status that allows him or her to live and work permanently in the United States. Most lawful permanent residents can apply for naturalization to U.S. citizenship after living here for five years. An LPR is commonly known as a person who has a green card.

Mixed household: A household whose members have different immigration statuses and is applying to certain federal housing programs. Some members may be *citizens*, some may be *lawful permanent residents*, and some may have no immigration documentation. As long as one household member is a *citizen*

or *eligible noncitizen* according to the federal rules, the mixed household can be accepted in *restricted* federal programs. For other federal programs and state programs, it does not matter whether the household is mixed or not.

Naturalization: The process by which immigrants become U.S. *citizens*. To be eligible to apply for naturalization, an individual must have lived in the U.S. as a *lawful permanent resident* for five years, or three years if married to a U.S. citizen, or one year for certain persons in the military and veterans.

Noncitizen: A person who either was not born in the United States or has not been *naturalized* to U.S. citizenship, or is not eligible for citizenship under special laws.

Non-contending form: A form on which a person indicates that he or she is not asserting to have *eligible noncitizen* status for *restricted* federal housing assistance programs.

Parole: The procedure which allows a *noncitizen* to come into the United States without granting him or her admission to the U.S. People who have been paroled into the U.S. for a period of at least one year are *eligible noncitizens* for federal housing programs, subject to certain exceptions.

Parolee: A *noncitizen* who has been granted *parole*.

Pro-rated assistance or rent or pro-ration: The process by which a *restricted* federal program calculates rent or subsidy for a *mixed household*. Federal restricted programs will allow *undocumented immigrants* to reside in an apartment, but will adjust the subsidy to cover only the *citizens* or *eligible noncitizens*. Generally, the calculation of the benefit amount is based on the proportion of eligible individuals to ineligible individuals. For example, for rental assistance, the pro-rated benefit for a family of four that includes three eligible members would be three-fourths of the subsidy that they would have received had all four family members been eligible. Therefore, a mixed household may pay more than the standard 30% of income for rent in many federal housing programs.

Public charge: A term used by *immigration authorities* to refer to a person who is considered primarily dependent on the government for financial support, as demonstrated by either receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense. An immigrant who is found “likely at any time to become a public charge” can be denied admission to the U.S. or denied status as a *lawful permanent resident*. In very specific and rare circumstances, an immigrant who is found to have become a public charge may be removed from the United States.

Refugee: A refugee is a *noncitizen* given permission to come to the United States because he or she was persecuted, or has a well-founded fear of being persecuted, in his or her home country on account of race, nationality, religion, political opinion, or membership in a particular social group. Refugees are given this status before coming to the U.S., usually when they are temporarily located in a third country. A refugee is granted the right to live and work in the U.S. and, after a one-year period, may apply to become a *lawful permanent resident*.

Registry: A process whereby *lawful permanent resident* status may be granted to a *noncitizen* who has lived in the U.S. since before January 1, 1972, whether or not he or she is an *undocumented immigrant*. To be eligible for registry, the person must have maintained continuous residence in the U.S. However, some absences—even extended ones—will not break the continuity of residence, provided the person never intended to abandon his or her residence.

Restricted program: Any of the federal housing programs which must check the immigration status of eligible applicants and which require that one or more household members be *citizens* or *eligible noncitizens*.

Section 214 declaration: A declaration that a household member is either a *citizen* or *noncitizen* eligible for federal housing assistance under Section 214 of the Housing and Community Development Act of 1980. See 42 U.S.C. § 1436a; 24 C.F.R. Part 5, Subpart E.

Severe form of trafficking in persons: Trafficking in persons means, generally, running a business in which people or people’s labor or services are the main things being traded or sold. A “severe form” of this practice is one in which people are seriously exploited or abused. Severe forms of trafficking include forcing people to work as prostitutes (sex trafficking), making them do an unreasonable amount of work to pay off a debt, forcing them to believe that they would be harmed if they did not work under certain conditions, threatening to abuse any legal process, or slavery.

Temporary deferral of termination of assistance: An option for *mixed households* that are already in federal public or assisted housing. It can apply either where there are no eligible household members or where there is at least one ineligible household member and the family does not choose to have *pro-rated rent*. Temporary deferral is granted in six-month increments, and usually has a maximum period of 18 months. There is an unlimited deferral period, however, where the household has an application for *asylum* or *refugee* status which has not been finally determined.

Undocumented immigrant: A *noncitizen* who does not have lawful immigration status. Most undocumented immigrants either entered the United

States without going through the required inspection process or were lawfully admitted but violated the terms of that status.

Victim of trafficking: An individual who has been subjected to a *severe form of trafficking in persons*. A victim of trafficking may obtain permission to remain in the U.S. and to work if the individual is in the U.S. as a result of trafficking, has not unreasonably refused to cooperate in any investigation of the trafficking (if 15 years or older), and if the individual would suffer extreme hardship involving unusual and severe harm if deported. Victims of trafficking cannot be denied residence on public charge grounds and are eligible for housing assistance.

Withholding of removal: A status that prohibits *immigration authorities* from returning an individual to a country where his or her life or freedom would be endangered. This status is similar to, but separate from, *asylum*. People granted withholding may be deported to a third country if one will accept them, but they cannot be returned to their home country. People who are granted withholding may apply for, and be granted, permission to work.

Directory

Legal Assistance

These agencies provide information about how to obtain legal assistance. If you have an immigration issue, you should ask for an attorney with immigration experience.

American Immigration Lawyers Association 202-507-7600
1331 G Street NW, Washington DC 20005-3142
See online Immigration Lawyer Referral Service:
www.aila.org

Berkshire Immigrant Center .413-445-4881
First Baptist Church, 88 South Street, Pittsfield, MA 01201
<http://berkshireic.com>

Catholic Charities 617-451-7979
75 Kneeland St, 8th fl., Boston, MA 02111
www.ccab.org

Catholic Social Services 508-674-4681
1600 Bay Street, Fall River, MA 02724
www.ccsdioc.org

Centro Presente 617-629-4731
17 Innerbelt Rd., Somerville MA 02143
www.cpresente.org

Community Legal Services and Counseling Center 617-661-1010
One West St., Cambridge MA 02139
www.clsacc.org

International Institute of Boston 617-695-9990
One Milk St., Boston MA 02109
www.iiboston.org

Irish Immigration Center .617-542-7654
59 Temple Place, Suite 1010, Boston, MA 02111
www.iicenter.org

Massachusetts Bar Association 617-338-0500

20 West St., Boston MA 02111
www.massbar.org

National Lawyers Guild 617-227-7335
14 Beacon St., Room 407, Boston MA 02108
www.nlgmass.org

Political Asylum/Immigration Representation Project 617-742-9296
254 Friend St, 5th fl., Boston, MA 02114
www.pairproject.org

Victim Rights Law Center 617-399-6720
18 Tremont St, Suite 220, Boston, MA 02108
www.victimsrights.org

Immigration Advocacy

**Massachusetts Immigrant and Refugee
Advocacy Coalition (MIRA)** 617-350-5480
105 Chauncy St., 9th fl., Boston MA 02111
www.miracoalition.org