

Immigrant Eligibility for Disaster Assistance

TIP SHEET

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Government-related aid for disaster recovery is generally restricted to citizens and to individuals in specific legal immigration categories. As a religious leader, you can serve to ensure that all people with unmet needs, regardless of immigration status, receive the support necessary for sustainable recovery, whether by providing direct services or by advocating for humane recovery policies.

As a religious leader, you may encounter individuals with differing immigration statuses who have been impacted by a disaster. An individual's status can affect eligibility for assistance. Below are some common questions about disaster assistance and immigration status. Because the legal nuances of immigration are complex, it is always recommended that you consult with an immigration attorney or immigration advocate to ensure your actions are legal and in the best interests of those you represent. General definitions of terms appear on the last page of this tip sheet.

“UNRESTRICTED” DISASTER ASSISTANCE

Which disaster services are “unrestricted”— available to all disaster victims regardless of immigration status?

- All victims of disaster should be able to get services provided by community, nonprofit, or other “non-governmental” organizations. “All victims” includes undocumented immigrants.
 - Examples of such organizations include: the American Red Cross; other nonprofit agencies that help disaster victims; community organizations; and religious organizations, such as churches, synagogues, mosques, and temples.
 - The disaster assistance provided by these organizations may include emergency shelter, food, water, first aid, clothing, and sometimes a small amount of cash to help with immediate expenses.
- When a big disaster hits an area, the federal government may declare it a “disaster area.” The Federal Emergency Management Agency (FEMA) provides emergency services in locations the federal government has declared disaster areas.
 - FEMA provides some unrestricted emergency services. It provides short-term, non-cash, emergency help to disaster victims regardless of immigration status.
 - For example, FEMA warns people about dangers, helps them leave dangerous places, and searches for lost people. FEMA also provides transportation, emergency medical care, crisis counseling, and emergency shelter to whoever needs them; and it provides emergency food, water, medicine, and other supplies to meet disaster victims’ basic needs.
- State and local government agencies also help victims of disaster. Usually, the non-cash emergency help they provide immediately after a disaster is available to all disaster victims regardless of immigration status.

“RESTRICTED” DISASTER ASSISTANCE

Which disaster services are “restricted” — available only to U.S. citizens and immigrants who are “qualified aliens?”

- The federal government sometimes also provides cash assistance and longer-term help to disaster victims. This help usually is restricted. Restricted services are available only to U.S. citizens and “qualified aliens” (people in certain immigration categories who are in the U.S. lawfully). Examples of restricted services include:
 - FEMA’s “Individuals and Households Program.” This program helps disaster victims rent temporary housing, repair and replace destroyed housing, replace possessions, and pay medical and funeral costs.
 - U.S. Small Business Administration loans to repair damaged homes, property, or businesses
- Persons applying for these services must provide a Social Security number. Usually, they also must sign a declaration that says they are a “U.S. citizen,” a “non-citizen national,” or a “qualified alien.”
- For more information on services which are “restricted” and “unrestricted” see the table on the following page.

Who Are “Qualified Aliens”?

- Lawful permanent residents (people who have “green cards”)
- Refugees, asylees, or persons granted “withholding of removal/deportation”
- Persons paroled into the U.S. for at least one year
- Cuban or Haitian entrants
- Certain victims of domestic violence
- Victims of trafficking, although not “qualified aliens,” are eligible for services in the same manner as refugees.

See definitions on page 4.

DISASTER ASSISTANCE

Eligible Immigrants	Ineligible Immigrants
FEMA Assistance Programs, Individual and Family Grant Program, and Disaster Unemployment Assistance (DUA)	
<p>"Qualified" immigrants and victims of trafficking NOTE: To receive DUA, "qualified" immigrants and victims of trafficking must have employment authorization.</p>	<p>"Not qualified" immigrants are ineligible, except for services that provide short-term, non-cash, in-kind emergency disaster relief.</p>
Short-Term, Non-Cash, In-Kind Emergency Disaster Relief	
<p>All immigrants, regardless of status. NOTE: FEMA interprets the short-term disaster relief provision to apply to programs that provide: search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risk or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property, and public health and safety.</p>	<p>None.</p>
Emergency Food Stamps	
<p>Children under 18 years old who were lawfully residing in the U.S. on Aug. 22, 1996, and who are now "qualified" immigrants.</p> <p>Seniors who were born before August 22, 1931, were lawfully residing in the U.S. on Aug. 22, 1996, and who are now "qualified" immigrants.</p> <p>Persons receiving benefits for blindness or disability, who were lawfully residing in the U.S. on Aug. 22, 1996. Disability-related benefits may include: Supplemental Security Income, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability, disability-based Medicaid, or possible General Assistance for certain persons with disabilities.</p> <p>Lawful permanent residents (LPRs) credited with 40 quarters of work.</p> <p>"Refugee" categories: individuals</p> <p>Victims of trafficking.</p> <p>Veterans and active military personnel, their spouses, un-remarried surviving spouses, and children, who are "qualified" immigrants.</p> <p>Certain Hmong or Highland Laotian tribe members who are lawfully present in the U.S. and were members of these tribes during the Vietnam era; spouses, un-remarried widows/widowers, and children of these tribe members also eligible.</p> <p>A member of a federally recognized Indian tribe, or an American Indian born in Canada.</p> <p>Some states also provide state-funded food assistance to additional categories of immigrants.</p>	<p>"Qualified" immigrants not listed as eligible.</p> <p>"Not qualified" immigrants other than American Indians and Hmong or Laotian tribe members described as eligible.</p>

FAMILIES WITH MULTIPLE IMMIGRATION STATUSES

What if some family members are U.S. citizens or “qualified aliens” and others are not?

- Many families have members with different immigration statuses. For example, in some families the parents are undocumented and some or all of the children are U.S. citizens.
- In such families all members may receive unrestricted disaster services. But in these families only the members who are U.S. citizens or “qualified aliens” may receive restricted disaster services.
- For example, undocumented parents living with their U.S. citizen children who are under age 18 may apply on behalf of those children for restricted FEMA benefits, such as cash assistance through the Individuals and Households Program.
- Undocumented parents who apply for restricted services on behalf of their minor U.S. citizen children generally must provide the children’s Social Security numbers. Parents should not be required to provide their own Social Security numbers. They should not be required to provide any information or sign any documents about their own immigration status.

LOST DOCUMENTATION

What if an immigrant has lost identification or other documents and has trouble proving lawful status or identity?

- It is common and understandable for people to lose documents when disasters strike. Fire, water, and wind can destroy documents. People evacuated quickly from a danger zone may not have time to gather their documents.
- Agencies that provide disaster services understand this. Often they will relax normal application requirements about proving citizenship, immigration status, or identity.
- Immigrants who apply or ask for help after a disaster should describe their situation. If they lost or left their documents behind when the disaster hit, they should explain this to any agency official who asks for their documents.

TRANSLATION ASSISTANCE IN DISASTER RELIEF

What if a person does not speak English well and needs help applying for disaster services?

- Agencies that help disaster victims often have staff who speak languages other than English. Or they may use interpreters who can help people who don’t speak English. The interpreters may be at the disaster site or available by telephone. When interpreting services are provided, they should be free of charge.
- Many agencies that help disaster victims are required by law to provide language help when it is needed. They must take reasonable steps to provide interpreters to help disaster victims speak to agency staff, and written materials translated into their primary languages.
- Disaster victims should not hesitate to ask for an interpreter if they need one. They should tell the agency staff person what language they speak and ask for an interpreter.

DISASTER ASSISTANCE AND FUTURE LAWFUL RESIDENCE

Will accepting disaster services prevent immigrants from being able to get a “green card” or U.S. citizenship?

- Getting disaster services from the government does not make an immigrant ineligible for lawful permanent residence (getting a “green card”) or citizenship. Receiving disaster assistance does not make an immigrant a “public charge.”
- Immigrants can get into trouble if they commit fraud to receive services, such as intentionally providing false information on applications. Immigrants should never provide false information about a Social Security number, or about their immigration status, income, or other circumstances in order to get services for which they are not eligible. Committing fraud can lead to criminal prosecution and can also affect an immigrant’s chances of getting a “green card” or U.S. citizenship.

NONPROFITS AND UNDOCUMENTED IMMIGRANTS

Must nonprofit agencies deny disaster services to undocumented immigrants?

- Nonprofit agencies are not required to ask about the immigration status of people seeking disaster services. They are allowed to provide disaster services to undocumented immigrants.
- Agencies may be breaking the law if they deny people help because of their race or national origin, or because the agencies assume that the people do not have legal immigration status.

Tips for Undocumented Parents Applying for Restricted Services on Behalf of U.S. Citizen Children

While helping your community rebuild, you may encounter parents who are applying for government assistance services. Listed below are some tips to help you advise them properly.

- Ensure that they make it clear that they are seeking services only for their children, not for themselves.
- Advise them not to provide any information about their own immigration status. Information about their status is unnecessary, since they are not seeking services for themselves.
- Advise them to not provide any false information.

Definitions of Immigration Terms

Asylee: A non-citizen granted permission to remain in the U.S. because he or she was persecuted or has a well-founded fear of being persecuted in his or her home country.

Cuban/Haitian entrant: A non-citizen of Cuban or Haitian nationality who either:

- (1) was paroled into the U.S.; or
- (2) was granted any other special status under immigration law for nationals of Cuba or Haiti; or
- (3) has a pending exclusion, deportation, or asylum case, so long as he or she is not subject to a final and legally enforceable order of deportation or exclusion.

Lawful permanent resident: A non-citizen who has been granted a status that allows the person to live and work permanently in the U.S. Also commonly referred to as a “green card”—holder.

Person paroled into the U.S. for at least one year: An immigration status under which the U.S. government permits a non-citizen to enter the U.S. without a formal grant of admission.

Refugee: A non-citizen granted permission to come to the U.S. because he or she was persecuted or has a well-founded fear of being persecuted in his or her home country.

Trafficking victim: A non-citizen who has been subjected to a severe form of trafficking in persons. Trafficking victims who have filed an application for a “T visa” or have been granted “continued presence” by the U.S. attorney general, can be certified for federal benefits eligibility by the Office of Refugee Resettlement. Certain family members of T visa applicants (spouses and children of adult victims; spouses, children, parents, and minor siblings of child victims) are also eligible for federal benefits.

Undocumented immigrant: A non-citizen who lacks lawful immigration status. Most commonly, undocumented immigrants either entered the U.S. without inspection or violated a prior lawful status (for example, by overstaying permission to be in the U.S.). Often times the term ‘alien’ is used in place of ‘immigrant.’ While connotations vary between the two terms they can generally be used interchangeably.

U.S. citizen. A person who either:

- (1) was born in the United States or its territories (with the exception of children of certain foreign diplomats); or
- (2) immigrates to the U.S. and obtains citizenship through naturalization; or
- (3) under some circumstances, was born abroad to U.S. citizen parents.

Victims of domestic violence: Certain non-citizen victims of domestic violence are considered “qualified aliens” if:

- (1) they have been battered or subjected to extreme cruelty;
- (2) they have a pending or approved visa petition filed by a spouse or parent, or a self-petition filed under the Violence Against Women Act; and
- (3) there is a substantial connection between the immigrant’s need for benefits and the battery or cruelty that occurred. The parents and children of these domestic violence victims may also be considered “qualified aliens.”

Withholding of removal/deportation: Non-citizens who have this immigration status may not be deported by the U.S. government to a country where their life or freedom would be endangered. This status is similar to but less common than asylee status.

OTHER RESOURCES

- **American Red Cross: Homepage—** <http://www.redcross.org/>
- **American Red Cross: Statement of Impartiality:**
<http://newsroom.redcross.org/disaster-response-guide/impartiality-services/>
- **FEMA: Eligibility Requirements for Disaster Aid—** <http://www.fema.gov/news/newsrelease.fema?id=13448>
- **National Counsel of La Raza (NCLR): Immigrant Eligibility for Disaster Assistance:**
http://www.nclr.org/index.php/publications/immigrant_eligibility_for_disaster_assistance/
- **National Immigration Law Center (NILC): Disaster Assistance...:** <http://www.nilc.org/disaster-help.html>

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