



# Immigrant Eligibility for Disaster Assistance

**The information provided here is for families with members who are not U.S. citizens. It also applies to agencies that help immigrant families affected by a disaster.**

## **Which disaster services are “unrestricted” – available to all disaster victims no matter what their immigration status is?**

- All victims of disaster should be able to get services provided by community, nonprofit, or other “nongovernmental” 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 groups, such as churches, synagogues, mosques, and temples.
  - ✓ The disaster assistance such organizations provide 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 places the federal government has declared disaster areas.
  - ✓ FEMA provides some unrestricted emergency services. It provides short-term, noncash, emergency help to disaster victims no matter what their immigration status is.
  - ✓ 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. It also 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 noncash emergency help they provide immediately after a disaster is available to all disaster victims no matter what their immigration status is.

## **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 “noncitizen national,” or a “qualified alien.”

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## **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.

## **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.

## **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.

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## 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 they are not eligible for. Committing fraud can lead to criminal prosecution and can also affect an immigrant’s chances of getting a “green card” or U.S. citizenship.

## 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.

### RESOURCES

- ✓ **American Red Cross of Greater New York:** 1.877.RED.CROSS, [www.nyredcross.org](http://www.nyredcross.org)
- ✓ **Arab American Association of New York:** 718.745.3523, [www.arabamericanny.org](http://www.arabamericanny.org)
- ✓ **Arab American Family Support Center:** 718.643.8000, [www.aafscny.org](http://www.aafscny.org)
- ✓ **Brooklyn Chinese-American Association:** 718.438.9312
- ✓ **Catholic Charities USA:** 703.549.1390, [www.catholiccharitiesusa.org](http://www.catholiccharitiesusa.org)
- ✓ **Church Avenue Merchants Block Association (CAMBA):** 718.287.2600, [www.camba.org](http://www.camba.org)
- ✓ **Hamilton-Madison House:** 212.349.3724, [www.hmhonline.org](http://www.hmhonline.org)
- ✓ **The Immigration Center at the Center for Law and Social Justice/Medgar Evers College:** 718.270.6297
- ✓ **Islamic Circle of North America - Relief (ICNA - Relief):** 718.658.7028, [www.reliefonline.org](http://www.reliefonline.org)
- ✓ **The Mayor’s Office of Immigrant Affairs (MOIA):** 311
- ✓ **National Immigration Law Center:** [www.nilc.org](http://www.nilc.org)
- ✓ **The New York Immigration Coalition:** 212.627.2227, [www.thenyic.org](http://www.thenyic.org)
- ✓ **New York Disaster Interfaith Services:** 212.669.6100, [www.nydis.org](http://www.nydis.org)
- ✓ **The Salvation Army:** 212.337.7200, [www.salvationarmy-newyork.org](http://www.salvationarmy-newyork.org)
- ✓ **Sikh Coalition:** [www.sikhcoalition.org](http://www.sikhcoalition.org)
- ✓ **Taiwan Buddhist Tzu Chi Foundation:** 718.460.4590, [www.tzuchi.org](http://www.tzuchi.org)
- ✓ **United Sikhs:** 888.243.1690 or 646.338.5996, [www.unitedsikhs.org](http://www.unitedsikhs.org)

*This fact sheet has been adapted for use in New York City from a fact sheet created by the American Red Cross, the National Council of La Raza, and the National Immigration Law Center.*

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## Definitions of Immigration Terms

**Asylee.** A noncitizen 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 noncitizen of Cuban or Haitian nationality who either:  
(1) was paroled into the U.S.; or  
(2) was granted 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 noncitizen 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 noncitizen to enter the U.S. without a formal grant of admission.

**Refugee.** A noncitizen 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 noncitizen 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 noncitizen 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.).

**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 noncitizen 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.** Noncitizens 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.

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