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Action Plan Comments
Office of Community Development
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Office of the Louisiana Recovery Authority:

The National Immigration Law Center (NILC) respectfully submits these comments to elaborate on a key concern regarding the potential impact of the Louisiana Recovery Authority's The Road Home Housing Programs (hereinafter "Road Home") on the sizeable population of Asian and Latin American immigrants and refugees living in Louisiana. This letter is intended to supplement the joint letter submitted today by a group of local and national organizations dedicated to protecting the rights of low-income people, to which we are a signatory.

As a national legal advocacy organization, NILC's mission is to protect and promote the rights and opportunities of low-income immigrants and their families. Since 1979, NILC has established a national reputation for its expertise on immigration law and the public benefit and employment rights of low-income immigrants. We conduct policy and legal analysis, advocacy, litigation, and provide training, publications, and legal and strategic support to a broad range of groups throughout the U.S., including immigrant rights coalitions, legal aid programs, community and faith-based groups, worker advocates, labor unions, government agencies, policy makers, and the media. Most recently, NILC has been called upon to provide critical support to state and local advocates working to address the problems faced by immigrant and refugee communities as a result of Hurricanes Katrina and Rita.

By its own admission, the "Road Home" falls far short of meeting the needs of low-income renters who suffered hurricane-related losses. The bias against renters will harm immigrants. However, we are also concerned that the Road Home will effectively exclude many immigrant homeowners living in Louisiana, including lawfully present immigrants who have lived in the state for many years. In order to be eligible for homeowner assistance under the proposed plan, an owner must have registered with FEMA for Individual Assistance and the home must have been categorized by FEMA as having been "destroyed" or having suffered "major" damage.

Unlike federal CDBG funds, FEMA Individual Assistance is by law available only to "qualified" immigrants, a restrictive category that excludes many lawfully present immigrants. As you are aware, many immigrants and citizens alike have not been able to obtain FEMA Individual Assistance because they were unaware of existing programs and/or deadlines. Press

reports in the weeks following Hurricane Katrina indicated that literally thousands of Vietnamese and Hondurans bypassed officially-sanctioned shelters in favor of temporary refuges such as the Hong Kong City Mall on Bellaire, where Vietnamese hurricane survivors received free food and shelter from fellow Vietnamese.¹ Other immigrants and citizens with limited English proficiency were unable to fill out the requisite application forms due to the lack of translators at Red Cross shelters and call centers. Still others refrained from applying for FEMA Individual Assistance for fear that receipt of assistance would render them public charges and thus jeopardize their ability to adjust their immigration status in the future. All such individuals appear to be ineligible for homeowner assistance under the proposed plan.

Homeowner assistance should be available to any homeowner whose home suffered major damage, regardless of his or her particular immigration status. Although “The Road Home” specifies that homeowners who believe they have suffered “major or severe damage, but have not secured FEMA assistance will be able to appeal their eligibility,” we have no idea how this provision will be applied in practice. Moreover, we see no reason why the only option for many immigrant homeowners should be to go through an appeals process. While FEMA registration should be one criterion for screening applicants, the plan should delineate alternative mechanisms by which applicants may demonstrate that their home suffered major damage.

We hope that you will take these comments into consideration. Please do not hesitate to contact us if you need any additional information.

Sincerely yours,

Melissa Crow
Gulf Coast Policy Attorney

¹ See, e.g., “Bypassing Domes, Finding Enclaves,” *St. Petersburg Times*, September 11, 2005; “Katrina’s Aftermath: Uncounted Thousands,” *The Houston Chronicle*, September 10, 2005.