

ELIGIBILITY FOR ASSISTANCE BASED ON IMMIGRATION STATUS

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This resource provides an overview of the immigrant eligibility rules for federal housing and homelessness, disaster, energy, and water assistance programs. Immigrant families also may have questions about the implications of using these programs, under the Department of Homeland Security’s or Department of State’s public charge policies, which can affect some noncitizens seeking admission to the U.S. or applying for lawful permanent resident status (green card). The only benefits considered in the current public charge test are monthly cash assistance programs, like SSI, TANF or General Assistance and government funded long-term care.

The table below provides information about immigrants’ eligibility for these programs in addition to potential implications for public charge determinations.

Program	Immigrant Eligibility	Public Charge Implications
<p>Community Development Block Grants (CDBG) The Community Development Block Grant (CDBG) program is a federal program intended to strengthen communities by providing funds to improve housing, living environments, and economic opportunities, principally for people with low- and moderate-incomes.</p>	<p>CDBG funding does not have specific immigration status eligibility requirements.</p>	<p>CDBG funds are not considered in a public charge determination.</p>
<p>U.S. Department of the Treasury’s Emergency Rental Assistance Program Treasury’s Emergency Rental Assistance program (ERA) has provided communities over \$46 billion to support housing stability throughout the COVID-19 pandemic.</p>	<p>The law establishing the ERA program does not impose restrictions based on immigration status.</p>	<p>Emergency rental assistance is not considered in a public charge determination.</p>
<p>Emergency Solutions Grants (ESG) The Emergency Solutions Grant (ESG) Program provides formula grants to states and to larger cities and counties to help people quickly regain stability in permanent housing after experiencing a housing crisis/and or homelessness. ESG funds street outreach, homelessness prevention and diversion, emergency shelter, and rapid re-housing..</p>	<p>Many services funded through ESG are exempt from immigration restrictions, and anyone, regardless of immigration status, can receive services through street outreach, emergency shelter, Safe Haven programs, rapid re-housing, and transitional housing only if it is owned by the grant recipient or subrecipient. Transitional housing that uses rental assistance payments to individuals is available only to eligible immigrants. Trafficking survivors certified by the Office of Refugee of Resettlement (ORR) are also eligible and include some additional immigrants.</p>	<p>ESG is not considered in a public charge determination.</p>
<p>HOME Investment Partnership Program (HOME) HOME is a federal block grant to about 640 participating jurisdictions (PJs), which are states and certain localities that use the funds to provide affordable housing to low- and moderate-income households. States and localities use the funds for a variety of homeownership and rental activities, including building new housing, rehabilitating existing housing, and providing tenant-based rental assistance (TBRA).</p>	<p>HOME assistance that is non-cash disaster relief, necessary for the protection of life and safety, and/or administered by a nonprofit charitable organization is available to undocumented immigrants and immigrants without eligible status.</p>	<p>HOME assistance is not considered in a public charge determination.</p>

Other HUD Programs

Other HUD programs: public housing, vouchers, project-based rental assistance, HOPWA, Section 202, and Section 811.

Public housing, Section 8 vouchers, and project-based rental assistance have restricted eligibility for immigrants. However, if at least one member of the household is eligible, the entire household may live in the unit, though the rent would be prorated. Learn more from NHLP [here](#) and review statutes for COFA migrants [here](#).

Public housing, Section 8 vouchers, project-based rental assistance, HOPWA, Section 202, and Section 811 are not considered in public charge determinations.

HOPWA, Section 202, and Section 811 do not have immigration restrictions.

FEMA Assistance

The Federal Emergency Management Agency (FEMA) provides immediate, direct financial and physical assistance to those affected by disasters and is responsible for coordinating government-wide relief efforts. Learn about federal disaster housing programs [here](#).

FEMA's short-term non-cash assistance does not have immigration restrictions; FEMA Individuals and Households program is available only to individuals with an eligible immigration status or households with at least one eligible adult or child.

FEMA assistance is not considered in public charge determinations.

Coronavirus State and Local Fiscal Recovery Funds

The [Coronavirus State and Local Fiscal Recovery Funds \(SLFRF\) program](#), authorized by the American Rescue Plan Act, provides \$350 billion in emergency funding for state, local, territorial, and tribal governments to support their response to and recovery from the COVID-19 public health emergency.

The state and local fiscal aid provision in the ARPA does not specify any restrictions based on immigration status.

Disaster assistance is not considered in a public charge determination.

Low-Income Home Energy Assistance Program (LIHEAP)

The [Low Income Home Energy Assistance Program \(LIHEAP\)](#) provides assistance with home energy bills, energy crises, weatherization, and energy-related minor home repairs.

LIHEAP direct assistance with energy bills is available only to families with eligible immigration status. However, households with at least one eligible adult or minor child may be eligible for pro-rated assistance, depending on the state. Cooling centers have no immigration restrictions, and weatherization programs offered to apartment buildings are also available without regard to the residents' immigration status.

LIHEAP is not considered in a public charge determination.

Low-Income Household Water Assistance Program (LIHWAP)

The [Low-Income Household Water Assistance Program \(LIHWAP\)](#) provides funds to assist low-income households with water and wastewater bills.

The Office of the Administration for Children and Families has determined LIHWAP is only available to individuals with eligible immigration status or households with at least one eligible adult or minor child. Mixed status households can receive payment for an outstanding water bill, and may be eligible for a proportional rate reduction for ongoing services.

LIHWAP is not considered in a public charge determination.

Rapid Unsheltered Survivor Housing (RUSH)

HUD's new [Rapid Unsheltered Survivor Housing \(RUSH\)](#) program was developed to help communities provide outreach, emergency shelter, rapid rehousing, and other assistance to people experiencing or at risk of experiencing homelessness who are in a disaster-affected area but who cannot access all services provided by FEMA programs. RUSH is ESG funding.

Many services funded through RUSH-ESG are exempt from immigration restrictions, and anyone, regardless of immigration status, can receive services through street outreach, emergency shelter, Safe Haven programs, rapid re-housing, and transitional housing only if it is owned by the grant recipient or subrecipient. Transitional housing that uses rental assistance payments to individuals is restricted to eligible immigrants.

RUSH-ESG is not considered in a public charge determination.

Additional information:

- This [memo](#) from the National Housing Law Project provides additional information about immigration requirements for housing and homelessness, energy, disaster, and water assistance programs.
- The Protecting Immigrant Families campaign's overview of [Immigrant Eligibility for Public Programs During COVID-19](#) includes information on health care and food assistance.
- Additional information about the public charge regulations is available in [this FAQ](#) from the Protecting Immigrant Families campaign.
- In the absence of federal restrictions, state and local governments cannot impose their own immigration status or social security number requirements. The Treasury Department [states](#) that requiring applicants to provide their social security numbers to be eligible for ERA is not consistent with [Treasury's guidance](#) or the [Privacy Act](#).

