

HCHA Assistance- Housing Choice Voucher

Harris County Housing Authority (HCHA)
promotes innovative housing communities and
encourages clients to achieve self-sufficiency.

HCV Terms- Immigration



Immigration Status:

- How immigration status affects assistance
- What happens if I or my family members do not have eligible immigration status after one year?

- Understanding eligible immigration status:
Non-citizens may have eligible immigration status in these categories:
 1. Immigrants and special agriculture workers
 2. Non-citizens residing in U.S. prior to 1972
 3. Refugee or asylum status
 4. Parole status
 5. Deportation asylum
 6. Amnesty granted

- What do I need to verify my immigration or citizenship status?
- What can I do if one or more family members can't claim to be a U.S. citizen, U.S. national or have eligible immigration status?
 1. Proration of assistance
 2. Temporary deferral of termination

Housing Choice Voucher Terms- Immigration

1 How immigration status affects assistance:

Under federal law, all Harris County Housing Authority residents, participants and household members who receive a federal subsidy must declare whether they are U.S. citizens, U.S. nationals or have eligible immigration status. This requirement affects the Low Income Public Housing program and all Section 8 programs.

2 What happens if I or my family members do not have eligible immigration status after one year?

If you or one or more of your household members cannot, or do not, claim to be U.S. citizens, U.S. nationals or have eligible immigration status, you will not necessarily lose your housing, but your federal subsidy may be reduced or terminated.

3 Understanding eligible immigration status:

Non-citizens may have eligible immigration status in these categories:

1. Immigrants and special agriculture workers

A non-citizen lawfully admitted for permanent residence, as defined by Section 101(a)(20) of the Immigration and Nationality Act (INA) as an immigrant, as defined by Section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 1101(a)(15) respectively)(immigrants). This category includes a non-citizen admitted under Section 210 or 210A of the INA (8 U.S.C. 1160 or 1161), special agriculture workers, who have been granted lawful temporary resident status; or

2. Non-citizens residing in U.S. prior to 1972

A non-citizen who entered the United States before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the United States since then, and who is not eligible for citizenship but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under Section 249 of the INA (8 U.S.C. 1259); or

3. Refugee or asylum status

A non-citizen who is lawfully present in the United States pursuant to an admission under Section 207 of the INA (8 U.S.C. 1157)(refugee status); pursuant to the grant of asylum (which has not been terminated) under Section 208 of the INA (8 U.S.C. 1158)(asylum status); or as a result of being granted conditional entry under Section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity; or

4. Parole status

A non-citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under Section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5))(parole status); or

5. Deportation asylum

non-citizen who is lawfully present in the United States as a result of the Attorney General's withholding deportation under Section 234(h) of the INA (8 U.S.C. 1253(h))(threat to life or freedom); or

6. Amnesty granted

A non-citizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1255a)(amnesty granted under INA 245A).

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4 What do I need to verify my immigration or citizenship status?

For U.S. citizens, verification consists of a signed Declaration of U.S. Citizenship.

For non-citizens 62 years or older as of June 19, 1995, verification consists of these two items:

- A signed Declaration of Eligible Immigration Status
- A proof of age document

For all other non-citizens, verification consists of these three items:

- A signed Declaration of Eligible Immigration Status
- A signed Verification Consent Form
- One of the following from the U.S. Department of Immigration and Naturalization Services: Form I-551 (Alien Registration Card) or 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) not annotated, with one of the following:
 - A final court decision granting asylum
 - A letter from the INS asylum officer, or from the INS
 - A court decision granting withholding of deportation
 - A letter from an INS asylum officer granting withholding deportation
- Form I-688 (Temporary Resident Card) annotated with Section 245A or Section 210
- Form I-688B (Employment Authorization Card) annotated with Provision of Law 274a.12(11) or Provision of Law 274a.12

A receipt from INS indicating the application for issuance of a replacement document for one of the above.

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5 What can I do if one or more family members can't claim to be a U.S. citizen, U.S. national or have eligible immigration status?

The law has included assistance for the preservation of "mixed" families. (A mixed family includes members with eligible immigration status and members without eligible immigration status.) Mixed families may be eligible for one of two types of assistance*:

5.1 Proration of assistance

If the family was not receiving housing assistance as of June 19, 1995, HCHA will pro-rate assistance. HCHA will prorate assistance according to how many members of the family are eligible to receive assistance (rather than the total number of household members).

5.2 Temporary deferral of termination

If a mixed family qualifies for prorated assistance but decides not to accept prorated assistance, or if a family has new members with eligible immigration status, the family may be eligible for a temporary deferral of termination of assistance. This permits the family additional time for family members with ineligible status to find other affordable housing.

Non-citizen students. Students who are not U.S. citizens or U.S. nationals or who lack eligible status do not qualify for any of the above.

Appeal process. Tenants will be given the opportunity to request an appeal to the INS or an informal hearing with HCHA upon any notice that terminates his or her housing assistance under the preservation of families' provisions.

* If your household includes members without eligible status and you have been receiving assistance since June 19, 1995, other rules may apply. Please speak with a staff member.

6 Agencies that can help:

The Coalition for Immigrant and Refugee Rights is a group of local service agencies committed to assisting eligible persons by:

- assisting with naturalization and English as a second language instruction;
- screening individuals for citizenship eligibility and assessing for English skills and other needs;
- providing assistance with HCHA's housing application; and
- helping people prepare for and pass the INS citizenship review.