



*Protecting Immigrant
Women and Girls
Fleeing Violence*

July 3, 2019

Submitted via www.regulations.gov

Office of the General Counsel
Rules Docket Clerk
Department of Housing and Urban Development

Re: Comments in Response to Proposed Rulemaking by United States Department of Housing & Urban Development published in the Federal Register on May 10, 2019: Docket No. FR-6124-P-01; RIN 2501-AD89; Housing and Community Development Act of 1980: Verification of Eligible Status; <https://www.federalregister.gov/documents/2019/05/10/2019-09566/verification-of-eligible-status>

Dear Rules Docket Clerk:

The Tahirih Justice Center (Tahirih) submits the following comments to express our strong opposition to the US Department of Housing & Urban Development's (HUD) May 10, 2019 Notice of Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status.

I. Introduction

Tahirih is a national, nonpartisan policy and direct services organization that has assisted over 25,000 immigrant survivors of gender-based violence over the past twenty-two years. The women and girls we serve endure horrific abuses such as human trafficking, domestic violence, sexual assault, forced marriage, and other crimes. HUD's proposed rule will disproportionately harm our clients, who are overwhelmingly indigent and rely on affordable housing for their basic safety and survival. We are concerned about the countless others in the US seeking housing as well, but we believe that ensuring adequate funding for all families in need is a more effective and humane strategy than one designed to specifically punish immigrants. We urge HUD to promptly withdraw this rule and restore policies that promote the stability and well-being of particularly vulnerable populations to the benefit of all stakeholders in our communities.

II. The Need for Safe and Affordable Housing for Immigrant Women

In 2017, Tahirih conducted a nationwide survey of immigrant women and service providers from a variety of sectors to document both the most significant and most prevalent challenges immigrant women face in the US.ⁱ Homelessness emerged near the top of both lists, specifically identified as one of the greatest obstacles to safety and the satisfaction of basic human needs for this population.

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For women recently released from immigration detention or without lawful status, the need for housing is particularly acute. Beyond basic safety, without adequate housing, it is extremely difficult for women to maintain regular and effective communication with legal and other service providers, attend critical appointments and court hearings, and compile evidence needed to complete an application for immigration relief. Ultimately, these challenges can irrevocably impact the outcome of one's immigration case, leading to loss of child custody and return to perilous conditions in one's home country.

III. The Specific Challenges Faced By Immigrant Survivors of Gender-Based Violence

A hallmark of domestic violence is perpetrators' use of both acute and chronic threats of harm to keep survivors in a state of isolation, poverty, and economic dependence. Close to 100% of survivors of Intimate Partner Violence (IPV) report suffering financial abuse,ⁱⁱ and 75% of women report staying in abusive relationships due to economic barriers.ⁱⁱⁱ Abusers condition immigrant survivors to expect brutal retaliation for either applying for a work permit, or for seeking employment if eligible to work. Perpetrators commonly hold survivors' immigration and financial documents hostage and ruin their credit. These tactics – by design - further prevent survivors from securing employment as a logistical matter and all but guarantees their dependence on their abusers indefinitely.

The paralysis survivors experience is compounded when children are involved, trapping them in a false “choice” between poverty for themselves and their children, and remaining dependent on their abusers. Continuing to live in a chronically unsafe, threatening situation not only exacerbates a woman's trauma, but women in these circumstances face extreme social isolation. This in turn prolongs trauma-induced mental health conditions with taxpayers bearing the burden of both short and long-term treatment. Further, indigent survivors are often in danger losing their children to the system, if they are deemed unable to protect and provide for them through no fault of their own.

Tahirih client Sofia* endured a lengthy period of abuse. She finally called the police and her husband was deported. Once he was gone, Sofia could not afford her rent so she moved in with a friend. She was sharing a bedroom with her children and Child Protective Services (CPS) deemed her to be living in substandard conditions. Sofia's children were taken away from her and she has been in ongoing legal battles to try to see them and regain custody.

Survivors who are authorized to work face additional challenges to obtaining and maintaining employment. They frequently or abruptly miss work due to the violent, unstable circumstances at home, making them vulnerable to termination by employers. With a limited ability to earn income independently and consistently, public benefits are essential to helping survivors escape abuse and rebuild their lives. Strikingly, domestic violence, including sexual abuse, is reported as the acute cause of homelessness among 22% to 57% of all homeless women.^{iv} The National Network to End Domestic Violence reports that 65% of victims' average daily unmet requests for help from domestic violence programs nationwide are for housing related services.^v Survivors of sexual assault note that if they do not have housing, then other auxiliary services are only minimally helpful. Housing can be determinative as to whether a survivor can

escape an abusive intimate partner or employer in many cases. The role of economic resources in general in promoting women's well-being and safety from violence, including prevention of future abuse, cannot be overstated.^{vi} Congress explicitly recognized this reality in permitting certain immigrant survivors to access public benefits without penalty through the Violence Against Women Act (VAWA) and Trafficking Victims Protection Act (TVPA).

IV. Protection for Immigrant Survivors Under Current HUD Rules

Currently, survivors who are ineligible for the federal housing subsidies at issue in the proposed rule may nonetheless reside in subsidized housing if they live together with eligible family members as a "mixed status" household. US citizenship, legal permanent residence, and various other forms of immigration status confer eligibility for prorated federal housing subsidies per 42 U.S.C. 1436a(a).^{vii} An individual eligible for the subsidy need not be the lease-holder. For example, a US citizen abuser of a survivor who is ineligible for housing subsidies might be removed from their subsidized housing due to a restraining order. The survivor could continue to reside there along with the couple's US citizen children who receive prorated subsidies, despite the survivor's lack of qualifying immigration status. In other words, the survivor would not face eviction for having called the police. Likewise, a survivor living with her abuser in non-subsidized housing could flee her violent home, with subsidized housing as a lifeline due to her US citizen children's eligibility for prorated housing subsidies.

V. The Impact of HUD's New Proposed Rule on Immigrant Survivors

HUD's proposed rule will now require all who reside together in federal Section 8 housing to be eligible for housing subsidies. Mixed-status families will be forced to secure alternative housing, reside separately from one another, or otherwise face eviction and homelessness.

A. Barriers to Securing Alternatives to Subsidized Housing for Immigrant Women

Alternatives to subsidized housing are few and far between for survivors. Immigrant women are particularly vulnerable to exploitation by unscrupulous landlords, and often end up renting overpriced single rooms in apartment complexes only to find themselves living in squalid, subhuman conditions with no recourse. Overcrowding at shelters or other temporary situations drives others back onto the streets.

Others face discrimination that prevents them from being able to secure housing on their own. One Tahirih client, Maria,* rents a room in a two-bedroom apartment that she shares with her teenaged son, her sister who is nine months pregnant, and her sister's seven year old son. They are all undocumented. A few weeks ago, her electricity was cut off because the leaseholder failed to pay it. Two organizations offered to pay the bill on Maria's behalf, but they could not do so because Maria's name was not on the lease or the bill. Unfortunately, she has tried to secure housing on her own but no one will rent to her because of her undocumented status. She and her family have gone without electricity or hot water, and her children are using candles to do their homework at night.

Another client, Anna,* suffered horrific abuse including having her abuser try to commit suicide in front of her two US citizen sons who in turn became suicidal. Anna and her sons live in Section 8 housing, and under the new proposed rule they would be evicted in order to continue living together. Being forced to find alternative housing will unnecessarily compound the severe trauma they have already endured, setting them back significantly in their healing process.

Katherine,* a survivor of domestic violence, served as a key witness for law enforcement in a criminal sexual exploitation case against her husband. He was deported as a result, and Katherine could no longer afford to live in their house with just her income. Her ability to work was limited because one of her daughters had a severe disability and she had other small children to take care of. They moved to a motel room funded by donors, and when funding ran out, they moved to Section 8 housing. Katherine now has lawful immigration status as a U visa holder, however, had the new rule been in effect beforehand, the family would have faced eviction likely resulting in homelessness. Shelters were not an option for them because of Katherine's daughter's disability. This result is anathema to Congressional intent in enacting protections for survivors under VAWA and the TVPA.

B. Survivors and Their Children May be unable to Live Alone Safely After Fleeing Abuse

For some survivors, being forced to live without a supportive partner will put their lives directly in danger. Sarah* is a survivor of domestic violence in her mid-twenties. As the result of brutal rapes by her husband, she has five children ages three to nine. Four of the children are US citizens. Sarah and her children currently live in public housing along with her new partner who is undocumented. The severe trauma that Sarah suffered has led to significant memory loss and other mental health conditions. Sarah has been in and out of the hospital with various chronic illnesses including heart problems. Sarah's partner has been helping with child care and has served as a critical support system, by driving her to doctor's appointments and offering the emotional and financial support she and her children desperately need.

Sarah's partner also provides a much-needed sense of physical safety. Last year, in retaliation for sending him to jail for the abuse, Sarah's abuser broke into and vandalized her previous home, and stole money from her. Under the new HUD rule, Sarah's partner would be forced to move out of her home, leaving Sarah and her children even more vulnerable and with no lifeline to cope with the trauma they are experiencing.

C. Survivors who Previously Escaped Abuse but Will Now be Evicted from Subsidized Housing will be in Even Greater Danger

Some survivors are able to flee abusers because they have a place to escape to – they can reside in subsidized housing alongside their US citizen children. If survivors are evicted and their only alternative to homelessness is returning to an abuser, they face an even greater risk of harm. It is commonly known that the danger to a victim actually increases once she escapes because

abusers retaliate in an attempt to deter future escape attempts. One estimate notes a 75% increase in violence for at least two years following an escape.^{viii}

VI. Conclusion

For the reasons described above, we are gravely concerned about the impact that HUD's proposed rule will have on immigrant survivors of violence and their children. This population is already highly traumatized and faces myriad obstacles to safety, well-being, and stability both in the short and long term. Unnecessarily adding the burden of finding safe, affordable housing against all odds and with the threat of ongoing violence looming not only harms individuals but society at large. Homelessness overburdens crisis response and public safety systems, leading to many more incidences of debilitating medical conditions and emergency room visits. Exacerbating and prolonging poverty for the most vulnerable has long-term consequences such as reduced educational and job success for children, and diminished ability of individuals to meaningfully invest in their communities. Any sound policy should instead aim to do the opposite.

As an organization that serves immigrant survivors of gender-based violence, Tahirih urges HUD to abandon this rule in favor policies that empower survivors to escape violent homes and thrive for the benefit of themselves and our communities.

We look forward to your detailed feedback on these comments, and please contact me at irenas@tahirih.org or 571-282-6180 for additional information.

Respectfully,



Irena Sullivan
Senior Immigration Policy Counsel

*Pseudonym

ⁱ <http://www.tahirih.org/wp-content/uploads/2018/01/Tahirih-Justice-Center-Survey-Report-1.31.18-1.pdf>

ⁱⁱ See, e.g., Postmus, J. L., Plummer, S. B., McMahon, S., Murshid, N. S., & and Mi Sung Kim, M. S. (2012). Understanding economic abuse in the lives of survivors. *Journal of Interpersonal Violence*, 27(3),411–430, Adams, A, Sullivan,C, Bybee, D, & Greeson, M. (2008), Development of the scale of economic abuse. *Violence Against Women*, 13, 563-588.

ⁱⁱⁱ The Mary Kay Foundation. (2012). 2012 Mary Kay Truth About Abuse Survey Report available at: <http://content2.marykayintouch.com/Public/MKACF/Documents/2012survey.pdf>

^{iv} Wilder Research Center, Homelessness in Minnesota, 2003 (2004); Center for Impact Research, Pathways to and from Homelessness: Women and Children in Chicago Shelters (2004); Nat'l Center on Family Homelessness & Health Care for the Homeless Clinicians' Network, Social Supports for Homeless Mothers (2003); Institute for Children & Poverty, The Hidden Migration: Why New York City Shelters Are Overflowing with Families (2004); Homes for the Homeless & Institute for Children & Poverty, Ten Cities 1997-1998: A Snapshot of Family Homelessness Across America (1998); See also http://www.nsvrc.org/sites/default/files/NSVRC_Publications_Reports_Housing-and-sexual-violence-overviewof-national-survey.pdf

^v 2018 statistics show 72,245 victim requests for assistance per day; 11,441 requests are unmet, and of those, 7,416 are for housing. Available at <https://nnedv.org/content/domestic-violence-counts-12th-annual-census-report/>; See also National Alliance to End Sexual Violence, 2016 internet survey of rape crisis centers from all 50 states, Washington D.C. and two territories.

^{vi} See <https://www.cdc.gov/violenceprevention/pdf/fpv-technicalpackages.pdf>; Eleanor Lyon, *Poverty, Welfare and Battered Women: What Does the Research Tell Us?* National Electronic Network on Violence Against Women 1 (Dec. 1997).

^{vii} Note that the list of eligibility categories in the statute does not include those who hold “U” visas as victims of gender-based and other crimes, despite their lawful immigration status.

^{viii} See *Id.* at ii.