

NEW ORLEANS WORKERS' CENTER *for* RACIAL JUSTICE

Building worker power, advancing racial justice, and organizing to build a social movement in New Orleans

Know Your Rights: Immigrants Affected by Federally Declared Disasters

Introduction

On August 14, 2016, the federal government declared the severe storms and flooding in Louisiana to be a major disaster. The declared disaster currently covers 20 parishes: Acadia Parish, Ascension Parish, Avoyelles Parish, East Baton Rouge Parish, East Feliciana Parish, Evangeline Parish, Iberia Parish, Iberville Parish, Jefferson Davis Parish, Lafayette Parish, Livingston Parish, Pointe Coupee Parish, St. Helena Parish, St. Landry Parish, St. Martin Parish, St. Tammany Parish, Tangipahoa Parish, Vermilion Parish, Washington Parish and West Feliciana Parish.

The federal disaster declaration makes residents of these parishes eligible for federal disaster assistance.

This guide answers the following questions relating to immigrants affected by the flooding:

- Are immigrants eligible for FEMA disaster relief benefits?
- Is there risk of immigration enforcement against those seeking shelter and assistance from the government?
- What should immigrants do if their immigration case is affected by the flooding?
- What resources are available to monolingual Spanish speakers?

For more information, contact:

Organizers of Congreso de Jornaleros (bilingual): **Fernando Lopez Sanchez** at (504) 258-1000 or flopez@nowcrj.org
Chloe Sigal at (504) 655-6610 or csigal@nowcrj.org

Organizer of National Guestworker Alliance (bilingual): **Daniel Castellanos** at (504) 881-6587 or dcastellanos@nowcrj.org
Staff Attorney at NOWCRJ: **Mary Yanik** at (504) 264-4219 or myanik@nowcrj.org

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Are immigrants eligible for FEMA disaster relief benefits?

All residents, including undocumented immigrants, are eligible for emergency relief that is short-term, non-cash, in-kind emergency disaster relief

- All immigrants can stay in government shelters and receive food and water
- All immigrants can benefit from search and rescue
- All immigrants can receive medical care related to the disaster
- All immigrants can also receive assistance from Disaster Legal Services, Disaster Case Management and Crisis Counseling.
- All immigrants can receive any other form of short-term relief that is not money

Any household with a single citizen or "qualified" immigrant can get disaster assistance (cash benefits) for the entire household

- The citizen or qualified immigrant will have to sign a "Declaration and Release" saying that they are a citizen or qualified immigrant
- An undocumented parent can sign the "Declaration and Release" on behalf of a citizen child without revealing any immigration information about the parent
- When a citizen or qualified immigrant applies on behalf of the household, the government will not gather any information about the immigration status of other people in the household

Qualified immigrants are...

- Legal permanent residents (those that have a green card)
- Immigrants who have been granted asylum
- Refugees
- Immigrants who have been granted parole lasting at least 1 year
- Immigrants who have T visas or who have pending T visa applications that show prima facie eligibility
- Immigrants who have approved VAWA self-petitions or have pending self-petitions that show prima facie eligibility
- Immigrants whose deportations are being withheld (or who have withholding)
- Cuban and Haitian immigrants

For more detailed information, see the helpful guide from the National Immigration Law Center at http://www.nilc.org/wp-content/uploads/2015/11/disasterassist_immeligibility_2007-062.pdf

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Is there risk of immigration enforcement against those seeking shelter and assistance from the government?

The Department of Homeland Security announced on August 22, 2016 that the “immigration enforcement agencies (Customs and Border Protection and U.S. Immigration and Customs Enforcement) are not conducting enforcement operations in connection with evacuation, sheltering and return, and disaster response activities in the impacted parishes.”¹

The government agency that responds to natural disasters, the Federal Emergency Management Agency (FEMA), states that it only collects information from individuals that it needs to process FEMA applications for disaster assistance.² FEMA needs to collect a Declaration and Release from a citizen or qualified immigrant in the household in order to process a disaster assistance application. FEMA does not gather information about other members of the household.³ All information gathered by FEMA is confidential but could be shared with other government agencies that provide disaster assistance.

The Department of Justice has issued guidance stating that it could violate federal civil rights laws if emergency services providers require documentation from individuals based on their appearance, name, accent, limited English proficiency, or suspected immigration status. The Department of Justice guidance also states that emergency services providers should not ask persons of certain national origins for immigration documents or report or threaten to report them to Immigration and Customs Enforcement based on skin color, accent, or limited English proficiency.⁴

¹ <https://www.dhs.gov/news/2016/08/22/public-notice-current-flooding-louisiana>

² <http://www.fema.gov/news-release/2016/03/05/undocumented-immigrants-may-qualify-some-disaster-aid-childs-behalf>

³ <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159>

⁴ <https://www.justice.gov/crt/fcs/EmergenciesGuidance>

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What should immigrants do if their immigration case is affected by the flooding?

On Friday, August 19, 2016, USCIS (the government agency that processes affirmative immigration applications) issued a notice that it offers immigration relief measures that may help people affected by the severe storms and flooding in Louisiana. Specifically, USCIS stated that the following measures could be available upon request:

- Change of nonimmigrant status or extension of nonimmigrant stay for an individual currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Re-parole of individuals previously granted parole by USCIS;
- Expedited processing of advance parole requests;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Consideration of fee waivers due to an inability to pay;
- Assistance for those who received a Request for Evidence or a Notice of Intent to Deny but were unable to appear for an interview, submit evidence or respond in a timely manner;
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card);
- Rescheduling of a biometrics appointment.⁵

Immigrants should consult an immigration attorney to see if they might be eligible for these measures.

⁵ <https://www.uscis.gov/news/alerts/uscis-alerts-customers-affected-severe-storms-and-flooding-louisiana-available-immigration-relief>

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What resources are available to monolingual Spanish speakers?

The Department of Homeland Security's advisory on the Louisiana flooding is available in Spanish on the DHS website: <https://www.dhs.gov/news/2016/08/23/aviso-p%C3%BAblico-sobre-las-actividades-en-el-cumplimiento-de-la-ley-y-el-desastre>.

Spanish speakers can apply for disaster assistance through a Spanish-language version of the disaster assistance government website: <https://www.disasterassistance.gov/es>.

Spanish speakers can also apply for disaster assistance from the government by phone by calling 1-800-621-3362 and pressing 2 for Spanish-language instructions.

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