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Discrimination against Immigrants In State Public Housing Programs Hurts Families and Could Violate Our Constitution.

Please Oppose Amendments #1203 (O'Connell), #686 (Diehl), and #1299 (Orrall)

These three budget amendments would each discriminate against immigrants in access to state housing assistance. MIRA strongly opposes such proposals because they would harm vulnerable residents – **in particular many domestic violence survivors** – as well as inviting costly litigation on state Equal Protection grounds.

What would these proposals do?

Amendments #1203 and #686 seek to introduce duplicative SSN disclosure and verification requirements, CORI checks, or other procedures that DHCD has long required to the extent permitted by state and federal law. The most extreme of these proposals, **Amendment #1299**, would prevent residents who do not hold an immigration status eligible for federal assisted housing under 42 U.S.C. § 1436a from accessing state housing assistance programs. Many taxpaying immigrants – including those with lawful, documented status – would be left out in the cold by these proposals, effectively preventing many immigrants and mixed status households (often with U.S. citizen children) from accessing public housing solely because of their immigration status.

Immigrants holding statuses *ineligible* for federal housing assistance under 42 U.S.C. § 1436a would be harmed by Amendment #1299. Such statuses include, for example:

- Persons granted **Temporary Protected Status (TPS)** from Haiti, Syria, South Sudan and other countries to which our federal government has deemed it unsafe to return. Massachusetts is home to the third largest Haitian population of any state, and we have a substantial population of TPS holders from Haiti, including survivors of the 2010 earthquake — some of whom our own government evacuated in the aftermath.
- Victims of serious crimes granted **U visas** because they are cooperating, or have cooperated, with law enforcement to investigate or prosecute those crimes. Protection for U visa holders is essential to ensure that crime victims come forward and our communities remain safe for all residents.
- Domestic violence survivors who are self-petitioning under the **Violence Against Women Act** but have not yet received their green cards.
- Victims of persecution who have applied for **asylum** on that basis yet are still waiting for a grant of asylum due to extraordinary court backlogs.
- DREAMer youth brought to the United States as children and now finally able to receive **Deferred Action for Childhood Arrivals (DACA)** made available by the Department of Homeland Security in 2012.
- Spouses of green card holders on approved visas and with applications for green cards pending, and children of green card holders and U.S. citizens on approved visas and applications for green cards pending. Many of these persons have waited years or decades to obtain their visas.
- And many, *many* others.

(Over)

Why are these Proposals Dangerous?

- **They would effectively deny housing to some of our most vulnerable residents – *many of whom have already suffered severe trauma and been repeatedly uprooted.*** Examples of immigrants who would effectively be prevented from accessing public housing under Amendment #1299 include many domestic violence victims (for example: U-visa holders), Haitian earthquake survivors, Salvadoran or Sudanese civil wars holding TPS; and many others.
- **They would *compound the dangers domestic violence and trafficking victims face in leaving an abuser by giving their abusers yet another powerful tool of coercion.*** Domestic violence and trafficking survivors are often eligible to apply for status based on the abuse they have survived – including for example a U visa. But immigrants in domestic violence situations often rely on abusers for shelter, especially where children are involved. Foreclosing all public housing options for currently undocumented victims makes it more likely these victims and their children will remain trapped, unable to apply for status, in violent situations.
- **They could *tear apart families.*** If a parent's immigration status effectively prevented him or her from accessing stable housing, children could be taken away from that parent and placed in foster care. Abusers also use the threat of loss of children to the state as a tool of coercion to entrap victims. And stripping housing access from domestic violence survivors makes a return to an abusive household more likely.
- **These measures could be *unconstitutional* and could subject our state to costly litigation.** A state's choice to mimic federal classifications of eligibility in its own state assistance program does not shield it from a court's finding violations of Equal Protection requirements. In fact, our state's ending the eligibility of certain immigrants for the Commonwealth Care program in 2009 (through a law that, like this provision, adopted an immigration status categorization scheme used by the federal government for federal assistance) was struck down as unconstitutional in 2012, but not before that measure imposed hardships on state residents wrongfully denied assistance and entangled our state in expensive litigation. There are far better uses for Massachusetts's resources than defending measures like this against legal challenge.

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