



QUICK REFERENCE SHEET
**Requirements for Serving Immigrant Victims of
 Domestic Violence**
Drafted 5/6/2011

Domestic violence programs receiving any federal funds or other federal financial assistance (see Citations 1-7):

- Must provide services equally to persons without regard to immigration status
- Are prohibited from discriminating on the basis of race, color, or national origin (including language capabilities) in any program or activity
- Are prohibited from giving disparate treatment on the basis of race, color, or national origin (including language capabilities) in any program or activity
- Must provide meaningful access to their programs and services to individuals with limited English proficiency (LEP.) Compliance entails ensuring the availability of interpretation and translation services for LEP individuals in the delivery of services
- Are exempt from immigration verification requirements under the Welfare Reform Act
- Cannot be penalized for failing to verify, under the Welfare Reform Act, the immigration status of any individual served

Domestic violence programs that provide shelter, regardless of whether they receive federal funds (see Citations 8-9) :

- Are prohibited from discriminating on the basis of race, national origin (including language capabilities), color, religion, sex, familial status, or disability

Domestic violence programs receiving Family Violence Prevention and Services Act (FVPSA) funds (see Citations 10-11):

- Must serve victims of family violence, domestic violence, and dating violence without regard to their immigration status
- Are prohibited from inquiring about immigration status of individuals when screening them for services
- Are prohibited from requiring any individual seeking services to provide verification of immigration status
- Are prohibited from releasing information to any entity about the immigration status of any individual receiving services
- Are prohibited from discriminating on the basis of race, national origin (including language capabilities), color, religion, sex, age, or disability

Domestic violence programs using Temporary Assistance to Needy Families (TANF) funds to provide client assistance (see OVW-approved article "Access To Programs And Services That Can Help Battered Immigrants," pg. 4, 1st paragraph under the heading "IIRAIRA and Reporting Requirements"):

- Must utilize TANF client assistance funds for individuals without regard to their immigration status, so long as they otherwise qualify and direct payments are not made to individuals seeking services

Domestic violence programs receiving funding through the U.S. Department of Housing and Urban Development (HUD) for non-permanent housing, including the Emergency Shelter Grant, the Supportive Housing Program, or Shelter Plus Care (see Citation 12):

- Must make services that are supported through these funds available to all needy individuals, including undocumented immigrants, so long as individual income and resources are not used a determinants for eligibility for these services. NOTE: Performing rent calculations is not considered an eligibility determinant, in this case.

Federal laws, orders, and regulations cited

1. 42 U.S.C. 2000d and 42 U.S.C. 2000d-1 (part of Title VI of the Civil Rights Act of 1964) – <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap21-subchapV.pdf> - see pages 3968 and 3970
2. Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (part of Title VI of the Civil Rights Act of 1964) – <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap21-subchapV-sec2000d-1.pdf> - see pages 3971-3972
3. 8 U.S.C. 1611(a) and 8 U.S.C. 1611(b) – <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title8/pdf/USCODE-2010-title8-chap14-subchapl-sec1611.pdf> - see pages 496-497
4. 8 U.S.C. 1642(a) through 8 U.S.C. 1642(d) – <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title8/pdf/USCODE-2010-title8-chap14-subchaplV-sec1642.pdf> - see pages 515-516
5. U.S. Attorney General Order No. 2353-2001: Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation – http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=01-1158-filed.pdf – see pages 3613-3616
6. U.S. Attorney General Order No. 2129-97: Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 – <http://www.gpo.gov/fdsys/pkg/FR-1997-11-17/pdf/97-29851.pdf> - see pages 61344-61346
7. U.S. Attorney General Order No. 2049-96: Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation – <http://www.gpo.gov/fdsys/pkg/FR-1996-08-30/pdf/96-22233.pdf> - see pages 45985-45986
8. 42 U.S.C. 3601, 42 U.S.C. 3602(b), 42 U.S.C. 3602(e), and 42 U.S.C. 3604 (part of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988) – <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap45-subchapl.pdf> - see pages 4597-4601
9. 24 CFR Subtitle B, Ch. I, 100.1 through 100.80: Discriminatory Conduct Under the Fair Housing Act – <http://www.gpo.gov/fdsys/pkg/CFR-2010-title24-vol1/pdf/CFR-2010-title24-vol1-part100.pdf> - see pages 637-642
10. 42 U.S.C. 10406 from Family Violence Prevention and Services Act (FVPSA) – <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap110-sec10406.pdf> - see pages 6621-6622
11. 45 CFR Subtitle A, 80.1 through 80.3: Nondiscrimination Under Federal Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964 – <http://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol1/pdf/CFR-2010-title45-vol1-part80.pdf> - see pages 292-295
12. 24 CFR Subtitle A, 1.1 through 1.4: Nondiscrimination Under Federal Programs Receiving Federal Assistance Through the Department of Housing and Urban Development – Effectuation of Title VI of the Civil Rights Act of 1964 – <http://www.gpo.gov/fdsys/pkg/CFR-2010-title24-vol1/pdf/CFR-2010-title24-vol1-part1.pdf> - see pages 7-10