

Vital Links:

How Schools can Support Housing Assistance for Undocumented and Mixed-Status Families

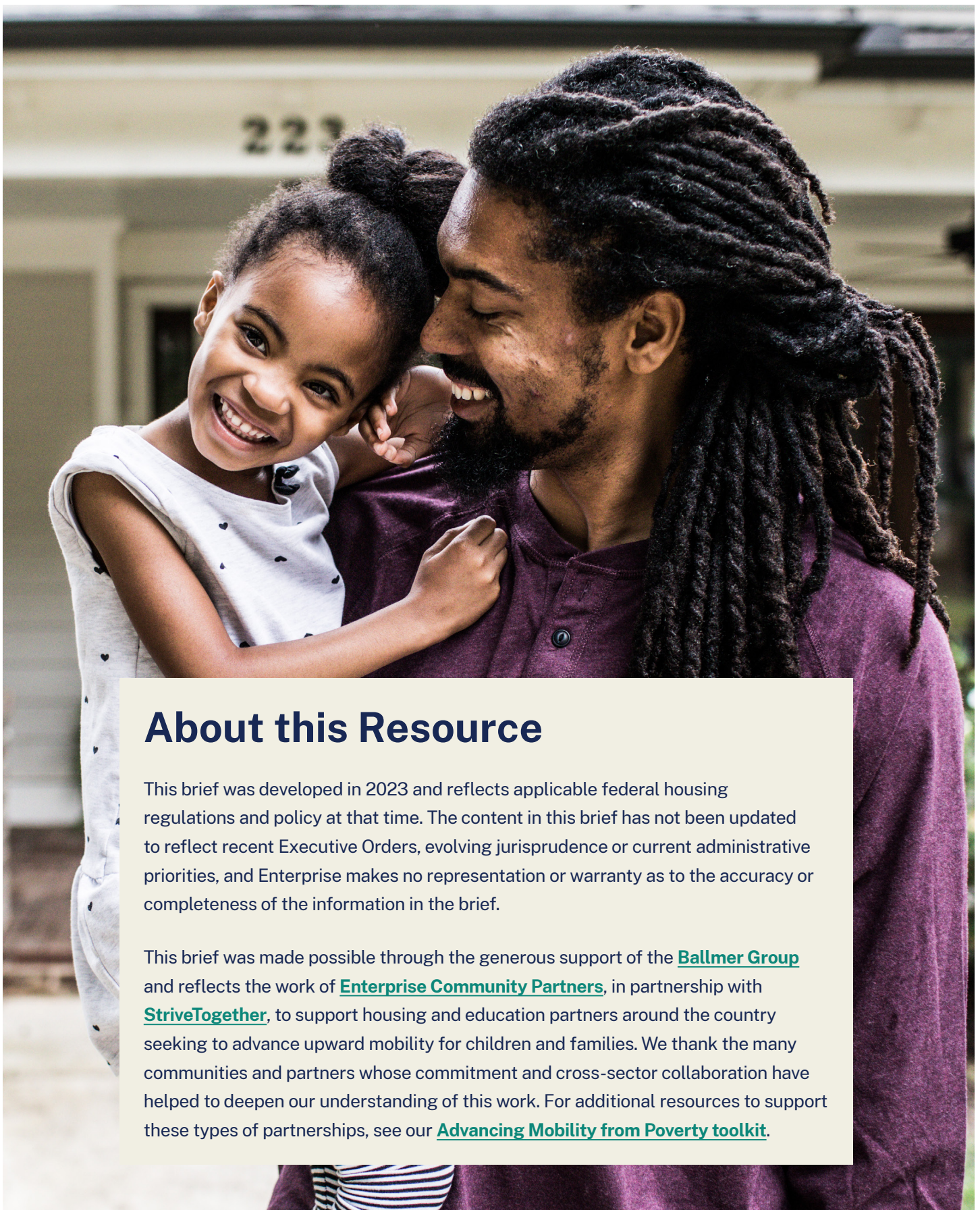
By Olivia Painchaud,
Amanda Davis and
Alexa Rosenberg



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About this Resource

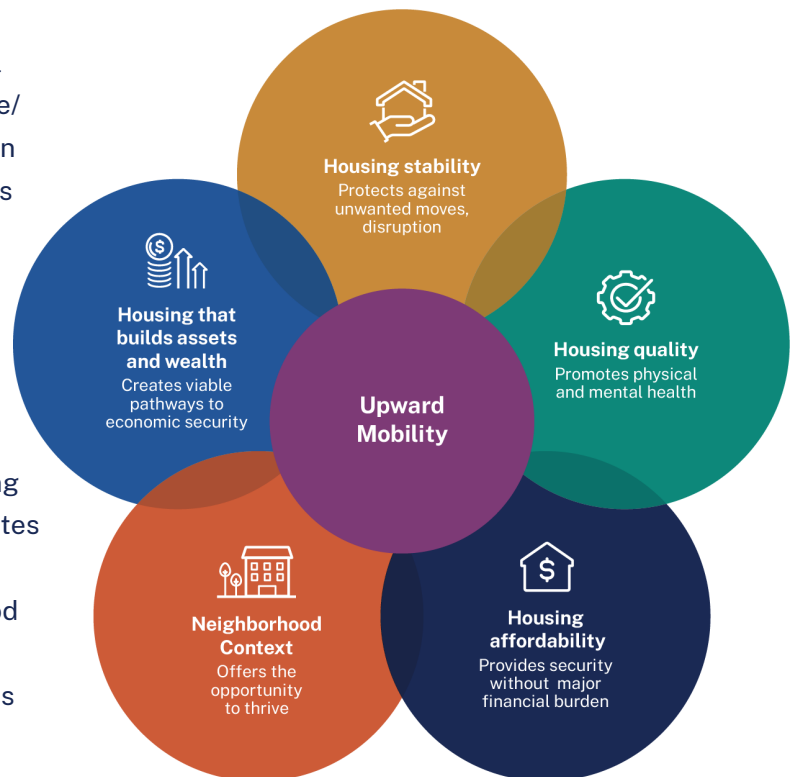
This brief was developed in 2023 and reflects applicable federal housing regulations and policy at that time. The content in this brief has not been updated to reflect recent Executive Orders, evolving jurisprudence or current administrative priorities, and Enterprise makes no representation or warranty as to the accuracy or completeness of the information in the brief.

This brief was made possible through the generous support of the [Ballmer Group](#) and reflects the work of [Enterprise Community Partners](#), in partnership with [StriveTogether](#), to support housing and education partners around the country seeking to advance upward mobility for children and families. We thank the many communities and partners whose commitment and cross-sector collaboration have helped to deepen our understanding of this work. For additional resources to support these types of partnerships, see our [Advancing Mobility from Poverty toolkit](#).

Introduction

Cradle-to-career partnerships around the country are working to improve educational outcomes for all children. Disparities in educational outcomes by race/ethnicity, gender, socioeconomic status, foreign-born status, and other factors exist across school districts in the United States. Educators now understand that eliminating these disparities and setting all students up for success require interventions beyond the classroom.

A growing body of evidence shows the vital link between children's success in school and the housing bundle, i.e., the five-part framework housing advocates say is essential to upward mobility: housing quality, housing affordability, housing stability, neighborhood context, and housing that builds assets and wealth. Securing housing supports for lower-income families with school-aged children is a challenge, given that only about one in four households whose income qualifies them for federal housing assistance can access it. That challenge is even greater for undocumented or mixed-status immigrant families, who may be ineligible for, or fear, accessing government subsidies, resulting in housing instability.



*As defined by the US Partnership on Mobility from Poverty as economic success, power and autonomy, and being valued in community.

The term **qualified or authorized immigrant** refers to foreign-born individuals who are legal permanent residents (LPR) or have a green card, people seeking asylum, refugees, members of freely associated states (FAS) and women and children who identify as abused spouses or minors.^{1,2} Additionally, immigrants may be sponsored by an employer for a work-related visa. There are many different kinds of work visas including temporary and permanent. However, for the purposes of this brief and its content, we are focusing on authorized immigrants considered to be LPRs, asylum-seekers, refugees, members of FAS, and women and children who identify as abused spouses or minors. Unauthorized immigrants are considered to be all other foreign-born individuals residing in the country.

¹ McCarty, M. & Kolker, A. F. (2023, January 23). Noncitizen Eligibility for Federal Housing (No. R46462). Congressional Research Service. Washington, D.C. <https://sgp.fas.org/crs/misc/R46462.pdf>

² De Genecia, M. C. M., McFarlane, A., Djoko, Y., & Taghavi, L. B. (2021). Verification of Eligibility Status: Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980. *Cityscape*, 23(2), 431-448. <https://www.huduser.gov/PORTAL/periodicals/cityscape/vol23num2/article24.html>

As of 2018, around 5.2 million school-aged children had at least one undocumented parent, making up 7% of the total U.S. child population.³

While all children have a right to a public K-12 education in the United States, regardless of immigration status, youth from undocumented or mixed-status families face multiple hurdles to achieving educational success.

All children in the United States have the right to a public elementary and secondary education regardless of their immigration or citizenship status. This right is protected under *Plyer v. Doe*, a 1975 ruling by the U.S. Supreme Court that deemed it unconstitutional under the Fourteenth Amendment to restrict access to public education for school-aged children based on their legal status.

The mental toll and toxic stress from fears of deportation, family separation, and the unknown future due to immigration status can impact children in a variety of ways. When basic needs and household security are threatened, the capacity of school-aged children to focus on their education, make time to study, complete assignments and regularly attend classes can be significantly disrupted. Consequently, the Pew Research Center found that, in 2018, immigrants were more than three times less likely to finish high school compared to native-born citizens.⁴ While this statistic is not focused solely on undocumented or mixed-status households, they are included within the broad category of *immigrant*, and it demonstrates the integral connection between immigration status and educational attainment.

Lack of digital connectivity and literacy, and inaccessibility to technology can also impede academic success for undocumented youth and children from mixed-status families. Furthermore, documented and undocumented immigrant children are more likely to attend under-resourced schools and experience more significant economic and racial/ethnic segregation.⁵ These system-wide disadvantages compound the challenges that undocumented or mixed-status households experience at the personal level due to their status.

Because of their immigration status and the documentation required for various supports in the United States, undocumented households often face reduced access to necessary assistance, such as housing assistance. As noted, the components of the housing bundle are essential contributors to student educational achievement. This well-known and understood intersection between housing and educational outcomes, and the recognition of additional challenges faced by youth and households without documentation, gives school personnel (i.e., teachers, administrators, counsellors, housing coordinators, and McKinney-Vento advocates) a unique opportunity to support undocumented/mixed-status youth and their families with housing-related challenges.

Schools are often recognized as one of the most trusted institutions in any community, and this is in large part due to educators and staff working daily to educate students and promote their well-being. The role school personnel play in supporting families, regardless of immigration status, is significant and helps to create communities that are welcoming and safe. School personnel can continue to provide this assistance while also educating youth and their families about the federal and local resources available to them and their housing-related rights, and serve as connectors and advocates for families seeking housing assistance in their communities.

³ Capps, R., Gelatt, J., Ruiz Soto, A.G., & Van Hook, J. (2020). *Unauthorized Immigrants in the United States: Stable Numbers, Changing Origins*. Migration Policy Institute. https://www.migrationpolicy.org/sites/default/files/publications/mpi-unauthorized-immigrants-stablenumbers-changingorigins_final.pdf

⁴ (2020, August 19). Educational attainment among U.S. immigrants, 2018. Pew Research Center. https://www.pewresearch.org/short-reads/2020/08/20/key-findings-about-u-s-immigrants/ft_2020-08-20_immigrants_08/

⁵ Sibley, E., & Brabeck, K. (2017). Latino Immigrant Students' School Experiences in the United States: The Importance of Family-School-Community Collaborations. *School Community Journal*, 27(1), 137-157. <https://files.eric.ed.gov/fulltext/EJ1146470.pdf>



Educate Undocumented and Mixed-Status Families on Available Housing Supports

Housing assistance is available at various levels of government throughout the United States. However, due to the vast number of housing assistance programs that exist, and their varying requirements in terms of income, status, work authorization, etc., it can be difficult for households to determine eligibility. Additionally, undocumented immigrants may fear retaliation for using public benefits, such as being reported to immigration

authorities or being discriminated against based on their immigration status. These fears may discourage undocumented households from asking for assistance navigating complex social service systems and from accessing resources they are legally eligible to receive.

[Learn more about public benefits and services, and the concept of public charge on p. 9.](#)



Federal Assistance

Federal housing assistance programs exist to ensure housing is accessible and affordable to all, regardless of income level. The most common federal housing assistance programs fall into three categories: rental, homeownership, and state and local government funding. The U.S. Department of Housing and Urban Development (HUD) administers the majority of housing assistance programs, including Section 8 housing choice vouchers and project-based rentals, public housing, and housing for seniors and people experiencing homelessness, disabled and vulnerable populations.^{6,7}

Section 214 of the Housing and Community Development Act of 1980 restricts HUD from providing various federal financial assistance programs to unauthorized immigrants. For example, HUD is restricted by Section 214 from providing programs such as Section 8 housing choice vouchers and project-based rentals to unauthorized immigrants. While there are certain exceptions for mixed-status families, in general this requirement restricts access to these programs for a large portion of the immigrant population in the United States.

Other common federal housing assistance funds include Community Development Block Grants (CDBG), HOME Investment Partnership Block Grants (HOME) and Low-income Housing Tax Credits (LIHTC). These funding sources are not restricted based on citizenship status and are available to unauthorized immigrants in the United States. The Appendix lists multiple federal housing programs that may assist undocumented and mixed-status households. For more information on which federal programs are restricted by Section 214, please visit: [The National Housing Law Project's Memo on Housing Covered by Section 214 of the Housing and Community Development Act.](#)

While some federal housing assistance programs are available to noncitizens without authorized status, there are barriers to access. Programs are typically administered by state and local entities responsible for ensuring materials are translated and accessible to immigrant populations. This creates considerable variation in knowledge and understanding of these programs across jurisdictions.

The United States defines mixed-status families as households that include both authorized and undocumented immigrants. For families who are mixed-status and applying for federal assistance, HUD is required to prorate the funds provided by the number of authorized noncitizens in the household. In contrast, mixed-status families applying for federal funds from the U.S. Department of Agriculture (USDA) receive the full amount of funding as long as the head of the household is eligible.⁸

⁶ McCarty, M. & Kolker, A. F. (2023, January 23). Noncitizen Eligibility for Federal Housing (No. R46462). Congressional Research Service. Washington, D.C. <https://sgp.fas.org/crs/misc/R46462.pdf>

⁷ De Genecia, M. C. M., McFarlane, A., Djoko, Y., & Taghavi, L. B. (2021). Verification of Eligibility Status: Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980. *Cityscape*, 23(2), 431-448. <https://www.huduser.gov/PORTAL/periodicals/cityscape/vol23num2/article24.html>

⁸ McCarty, M. & Kolker, A. F. (2023, January 23). Noncitizen Eligibility for Federal Housing (No. R46462). Congressional Research Service. Washington, D.C. <https://sgp.fas.org/crs/misc/R46462.pdf>



State and Local Assistance

Immigration status affects access to state and local housing assistance programs, similar to how it impacts access to federal housing assistance. Most states require documentation of legal status to be eligible for state housing assistance programs, though some limited exceptions exist such as state or local programs specifically designed to assist refugees and undocumented individuals or families.

In the United States, there are seven sanctuary states and 580 sanctuary cities. For a list of sanctuary cities, visit [Map: Sanctuary Cities, Counties, and States](#) and for a list of sanctuary states, visit [Sanctuary States 2023 \(worldpopulationreview.com\)](#).

States and localities have differing and unique responses to immigration. While some state and local governments have policies and public messaging that may deter immigrant households from settling in the area, others incorporate policies that protect immigrant rights and support their stability and success. For example, sanctuary states and cities promote policies and practices that prevent law enforcement from disclosing

the status of individuals to U.S. Immigration and Customs Enforcement (ICE) unless a serious crime is involved. While these policies are not directly related to housing, their emphasis on protection may draw immigrants to relocate to these areas. State and local communities can also be welcoming to immigrants without official sanctuary status. For example, in the local context, community-based and nonprofit organizations commonly provide legal, social and housing assistance services⁹ and support directly to immigrants and undocumented households.

As members of an established institution, educators often gain the confidence of their school community and act as trusted messengers. Therefore, education providers can support distribution of this information in their communities to ensure undocumented and mixed-status households are not discouraged or fearful of accepting the housing assistance available to them. This can include providing printed resources or pamphlets in different languages for students to bring home to their families, connecting them to known and trusted organizations with expertise on the topic, and working with families to identify questions or knowledge gaps that need to be filled.

⁹ American Immigration Council. (2021, February 26). *Community Support for Migrants Navigating the U.S. Immigration System* [Fact sheet]. <https://www.americanimmigrationcouncil.org/research/community-support-migrants-navigating-us-immigration-system>



Public Charge

Public charge is a concept the federal government uses to determine the extent to which immigrants in the United States consume public benefits and services offered. A noncitizen applying for admission is determined to be a public charge when they are “likely at any time to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.”¹⁰ Being classified as a public charge is one of the conditions used in immigration court to decide admission into the country and is cause for denial of entry.

The U.S. Department of Homeland Security (DHS) is responsible for defining and implementing the public charge rule when making immigration decisions.

Affordable housing programs are defined by DHS as supplemental and special purpose programs, which do not constitute a public charge.

As a result, the use of affordable housing programs and associated benefits by undocumented immigrants or immigrants applying for LPR status is not a reason for denial of admission or status.¹¹

While an important distinction, many people may be unclear about which benefits fall under the public charge rule. Although DHS does not use immigrants’ acceptance of housing assistance in their assessment of public charge, the technical language and complex concepts involved in these decisions can create knowledge barriers for immigrant households unfamiliar with the policies. Furthermore, the spread of misinformation relative to what assistance would determine an individual to be a public charge can ignite fear of using any federal, state or local assistance that could negatively impact a future immigration case.

For more information on public charge visit the Immigrant Legal Resource Center’s [Public Charge FAQs](#) and [Public Charge Safe to Use List](#).

¹⁰ U.S. Citizenship and Immigration Services, DHS. (2022, September 9). *Public Charge Ground of Inadmissibility*. <https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility>

¹¹ Ibid.



Fair Housing Law Protections

Given the challenges of accessing federal and state housing assistance, immigrant families are more likely to live in unsubsidized housing available on the private market regardless of legal status.¹² According to the National Council on Family Relations, immigrant households face additional challenges in the private market: they are more likely to be cost-burdened, live in poor-quality or hazardous housing conditions, and are more likely to live in overcrowded housing compared to native-born households.¹³

Some of the difficulties undocumented individuals face that impact their ability to find safe, affordable housing in the private market include challenges in securing formal, steady employment; a lack of credit history; and an inability to attain other background documents required to rent an apartment. Compounding these issues, immigrants can face discrimination by landlords.¹⁴ As a result of these barriers, undocumented households may be pushed into informal housing situations,¹⁵ such as renting without a formal lease agreement or renting a room without being included

in the lease. Without a formal lease, individuals might not be considered a legal tenant by a court of law,¹⁶ and would therefore not receive rights and protections under tenant laws. Immigrant households are also at higher risk of eviction filings and evictions,¹⁷ due in part to the limits of legal protections for immigrants when faced with an exploitative landlord.

Fair housing laws, however, do protect undocumented renters living in formal housing situations. Under these laws, it is illegal for a landlord or leasing agent to treat a tenant differently because of their immigration status. They may not refuse to rent to someone based on their immigration status, charge higher rent, or require a co-signer. Still, undocumented tenants may avoid reporting illegal behavior or requesting housing quality improvements for fear of landlord retaliation in the form of eviction or reporting them to ICE. Families living within these constraints often do not access the channels available to ensure improved living conditions from private landlords.

¹² Ayano, M.F. (2021) Tenants Without Rights: Situating the Experiences of New Immigrants in the U.S. Low-Income Housing Market. *Georgetown Journal on Poverty Law and Policy*. 28(2), 159-199. <https://www.law.georgetown.edu/poverty-journal/wp-content/uploads/sites/25/2021/07/159-Ayano-Tenants-Without-Rights.pdf>

¹³ Ballard, J., Her, M., & Thao, T. J. (2020, June 24). A Place to Call Home: Housing Challenges Among Immigrant Families. *NCFR Report Magazine*. <https://www.ncfr.org/ncfr-report/summer-2020/place-call-home-housing-challenges-among-immigrant-families>

¹⁴ Ayano, M.F. (2021) Tenants Without Rights: Situating the Experiences of New Immigrants in the U.S. Low-Income Housing Market. *Georgetown Journal on Poverty Law and Policy*. 28(2), 159-199. <https://www.law.georgetown.edu/poverty-journal/wp-content/uploads/sites/25/2021/07/159-Ayano-Tenants-Without-Rights.pdf>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Tesfai, R. & Ruther, M. (2022). Immigrant neighborhoods and eviction: hidden housing crisis? *Cities*, 131. <https://doi.org/10.1016/j.cities.2022.104033>

School professionals can support undocumented families by connecting them to housing organizations, legal services, and other entities serving immigrant families, which can inform households about their rights and educate them on the avenues available to exercise their rights regarding housing. In addition to outreach, those working in the education field can connect with local chapters of the American Bar Association (ABA), which have pro-bono resource centers that provide a range of legal supports to individuals and families.

The ABA Commission on Immigration (COI) directs the American Bar Association's efforts to ensure fair treatment and full due process rights for immigrants, asylum-seekers and refugees within the United States. COI explores various aspects of immigration law and houses the following projects:

- South Texas Pro Bono Asylum Representation Project (ProBAR)
- Immigration Justice Project (IJP)
- Children's Immigration Law Academy (CILA)
- ABA Free Legal Answers (FLA)
- Detention & Legal Orientation Program (LOP) Information Line

For more information on any of COI's projects, visit: [The American Bar Association Commission on Immigration](#).

It is important to recognize that school personnel already have an active role in supporting their undocumented and mixed-status students and families. While educators may not be experts in immigration and housing law, they can ensure that accurate, actionable information is shared by connecting families to people and entities with the expertise and capacity to explain and defend the legal rights afforded to undocumented households.

Know Your Rights

In 2021, Enterprise Community Partners, Make the Road New York, RiseBoro Community Partnership, and the Robin Hood Foundation launched the Know Your Rights campaign to raise awareness of immigrant tenants' right to stay in their homes, despite financial hardship or immigration status, and to provide additional information about the resources available to immigrants during the COVID-19 crisis. The campaign also offers trainings for people and organizations serving their New York City communities to ensure they are disseminating the latest information on housing rights and available resources for vulnerable tenants.





Support for Undocumented Youth and Mixed-Status Households

Recognizing that undocumented families face additional barriers when accessing basic supports, school staff have a uniquely important role to play with families, whose only touchpoint with public services may be their children's school. In addition to educating undocumented households on the resources available to them, school personnel can support families in the ways listed below.

- **Connect families with community organizations that assist with housing needs, such as nonprofit organizations or housing advocacy groups, institutional entities like housing authorities, and homeless services (e.g., Continuum of Care), etc.**
- **Offer counseling support**
- **Connect families with legal support and services that specialize in immigration law**
- **Advocate for the rights of undocumented and mixed-status students and families by working with local policymakers, advocacy groups or community leaders (e.g., partnering with legal aid organizations)**
- **Foster a welcoming and inclusive environment for students, regardless of their immigration status; examples may include language support and cultural sensitivity training for staff**

“Undocumented and mixed-status families can be at greater risk of experiencing homelessness. The Continuum of Care Program is designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers and state and local governments to quickly rehouse people and families experiencing homelessness, while minimizing the trauma and dislocation caused by homelessness; promote access to and effect utilization of mainstream programs for people and families experiencing homelessness; and optimize self-sufficiency for these populations.”¹⁸

¹⁸ HUD Exchange. Continuum of Care (CoC) Program. <https://www.hudexchange.info/programs/coc/>

While these types of support can help students and families access safe, decent and affordable housing, more innovative, targeted and scalable housing solutions are needed to ensure the well-being and academic success of all students. On this page are examples of successful partnerships that advance positive outcomes within the housing and education intersection for undocumented and mixed-status families. It is important to note that, although some local partnerships exist, there is little information available on current initiatives that offer housing assistance and educational support to undocumented youth.



Mission Promise and MEDA

Mission Promise Neighborhood is funded by the U.S. Department of Education's Office of Innovation and Improvement. The program connects families with young children to a network of organizations based in the community, creating a pathway to a wide variety of services including housing assistance and support with meeting other basic needs to "ensure every child can reach their full potential, from cradle to college to career."

In 2012, the U.S. Department of Education selected Mission Economic Development Agency (MEDA) to receive a Promise Neighborhoods implementation grant. MEDA reports having seen significant success in this initiative, including "dramatic increases in kinder-readiness and graduation rates."¹⁹ Although not targeted exclusively to the undocumented households, Mission Promise Neighborhood and MEDA extend eligibility to them.

Promise NYC

Promise NYC is a new program offering child care assistance to undocumented and mixed-status families – low-income families previously ineligible due to their immigration status. Partnering with community organizations that frequently work among immigrant populations in the city, the program intends to leverage the trust and relationships these community organizations have established to reach their target population of low-income and undocumented households.

¹⁹ Jmesa. (2023, February 23). Mission Promise Neighborhood: A Decade of Promises Kept. *Mission Economic Development Agency Blog*. <https://medastf.org/mission-promise-neighborhood-a-decade-of-promises-kept/>



Conclusion

School districts and education professionals take on significant responsibilities and efforts to support students who are experiencing housing instability, regardless of immigration status. Supporting students' mental and emotional needs, connecting students and families to necessary social services, identifying transportation options, and finding temporary and transitional housing for families experiencing housing instability are only a portion of the responsibilities that school staff and housing coordinators carry out daily.

In addition to these services provided by educational professionals, undocumented households can be further supported through education about the assistance available to them, a clear understanding of public charge and to which public assistance programs it applies, and access to accurate information on fair housing laws and the protections that all U.S. residents receive, regardless of immigration status. As trusted institutions and organizations, housing and education partners, can help bridge these gaps in support of undocumented youth and households to set families up for stability, educational success and upward mobility.

Appendix

The following list, although not exhaustive, offers multiple sources of federal funding that are not restricted by legal status unless supplemented with funding restricted by Section 214 of HUD's Housing and Community Development Act. For more information, visit: [NHLP – Memo: Housing Covered by Section 214 of the Housing and Community Development Act.](#)

- [Office of Public and Indian Housing](#)
- [Community Development Block Grant \(CDBG\)](#)
- [HOME Investment Partnerships Program \(HOME\)](#)
- [Coronavirus Relief Fund \(CRF\)](#)
- [National Housing Trust Fund](#)
- [Housing Opportunities for Persons with AIDS \(HOPWA\)](#)
- [Section 202: Supportive Housing for the Elderly](#)
- [Section 811: Supportive Housing for Persons with Disabilities](#)
- [Low-Income Housing Tax Credit \(LIHTC\)](#)
- [Section 221\(d\)\(3\)](#)
- [McKinney-Vento Act](#)
- [Rental Rehabilitation Program](#)
- [HOPE 2](#)





Resources

Organizations Providing Support:

- [United Way](#)
- [Catholic Charities](#)
- [Immigration Advocates Network](#)
- [Gateways for Growth](#)
- [National Latinx Psychological Association - Resource Sheet for Immigrants \(nlpa.ws\)](#)
- [SchoolHouse Connection - Immigrant Students: How Schools Can Help](#)

Federal Assistance:

- [FAQs: Eligibility for Assistance Based on Immigration Status \(nlihc.org\)](#)
- [Noncitizen Eligibility for Federal Housing Programs – January 23, 2023](#)
- [Public Charge Safe to Use List \(ilrc.org\)](#)

Literature on the Topic:

- [A Place to Call Home: Housing Challenges Among Immigrant Families, National Council on Family Relations](#)
- [Resource Guide: Supporting Undocumented Youth, A Guide for Success in Secondary and Postsecondary Settings, U.S. Department of Education](#)
- [Immigration Status Stress in Students, College of Education, Marquette University](#)
- [Beyond Status, Film Series, The Center for Cultural Power](#)



About Enterprise Community Partners

Enterprise is a national nonprofit that exists to make a good home possible for the millions of families without one. We support community development organizations on the ground, aggregate and invest capital for impact, advance housing policy at every level of government, and build and manage communities ourselves. Since 1982, we have invested \$64 billion and created 951,000 homes across all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands – all to make home and community places of pride, power and belonging. Join us at enterprisecommunity.org.