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TRI-AGENCY LETTER ISSUED ABOUT PROVIDING SERVICES TO IMMIGRANTS

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Courtesy of Principal Deputy Director Bea Hanson, Ph.D., Office on Violence Against Women

Recently, Attorney General Loretta E. Lynch, Secretary Sylvia Mathews Burwell of the U.S. Department of Health and Human Services (HHS) and Secretary Julián Castro of the U.S. Department of Housing and Urban Development (HUD) released a letter to recipients of federal funding to provide more information on access to services for immigrant victims. The letter explains that immigrants cannot be denied access to certain services necessary to protect life or safety on the basis of their immigration status.

We know that immigrant survivors of violence need access to vital services and assistance so that they can successfully escape abuse, find safety, and start the healing process, as well as obtain assistance to pursue the special immigration remedies that Congress enacted through the Violence Against Women Act and the Trafficking Victims Protection Act.

The purpose of this letter is to clarify that service providers should not turn away immigrant victims, on the basis of their immigration status, from certain services necessary for life or safety – services such as emergency shelter; short-term housing assistance, including transitional housing; crisis counseling; and intervention programs.

The letter from the Attorney General and the Secretaries of HHS and HUD is not a new policy. It reiterates and consolidates the long-standing policies of all three Departments, reminding federal funding recipients that federal law restricting immigrant access to certain public benefits includes exceptions to protect life or safety.

Specifically, federal law does not restrict immigrant access to programs that (1) are necessary for the protection of life or safety; (2) deliver in-kind services at the community level; and (3) do not condition the provision of assistance, the amount of the assistance or the cost of assistance on an individual's income or resources. These programs must be made available to eligible persons without regard to citizenship, nationality or immigration status.

This tri-agency letter should resolve questions that recipients of federal funding may have about their ability to serve all victims with OVW funds. I also hope that it will be a useful tool when working with community partners to ensure that all victims have access to services necessary to protect their lives or safety.

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