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A BROKEN DREAM:

Homelessness and Immigrants



SEATTLEU
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HOMELESS RIGHTS
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A Broken Dream: Homelessness and Immigrants

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Executive Summary

The United States' foreign-born population is approximately 42.1 million and growing.¹ Yet, these sizeable community is often invisible due to discrimination and marginalization. Immigrants face discrimination in accessing education, good jobs, and stable housing due to language barriers and, for some, uncertain legal status. That discrimination is compounded by the anti-immigrant and anti-refugee rhetoric that increasingly dominates public and political discourse.² Immigrants feel and are marginalized. Discrimination and marginalization make immigrants and refugees uniquely vulnerable to becoming homeless. Indeed, immigrants are disproportionately represented among people experiencing homelessness.³

Yet, we know shockingly little about the immigrants who are experiencing homelessness and their needs. Qualitative and quantitative data about homelessness among immigrant and refugee communities, both nationally and in Washington State, is sorely lacking. Without this baseline data, the needs of immigrants experiencing homelessness are neither known nor understood.⁴ Not surprisingly, services for immigrants experiencing homelessness all too often are inadequate and miss the mark.

This brief examines barriers that lead to and perpetuate homelessness within the immigrant community. Key findings of the brief include:

Economic Barriers. Employment and economic challenges predispose immigrants and refugees to poverty and homelessness.⁵ Statistics on poverty and employment reveal the harsh consequences of those challenges.

¹ STEVEN A. CAMAROTA & KAREN ZEIGLER, U.S. IMMIGRANT POPULATION RECORD 42.1 MILLION IN SECOND QUARTER OF 2015 (Aug. 2015), available at <http://cis.org/Immigrant-Population-Hits-Record-Second-Quarter-2015>.

² For example, the United States has literally built walls—and presidential candidates propose to build bigger ones—to keep immigrants out of the United States. *Updated: Meet the 2016 GOP Candidates for President – and Their Positions on Immigration*, AMERICA'S VOICE (Sept. 22, 2015), <http://americasvoice.org/research/meet-2016-gop-candidates-president-positions-immigration/>. Thirty-one U.S. governors have openly stated opposition to accepting Syrian refugees into their states. See Ashley Fantz & Ben Brumfield, *More than half the nation's governors say Syrian refugees not welcome*, CNN (Nov. 19, 2015), <http://www.cnn.com/2015/11/16/world/paris-attacks-syrian-refugees-backlash/>; see also Mona M. Shattell & Jose Villalba, *Anti-Immigration Rhetoric in the United States: Veiled Racism?* 29.5 ISSUES IN MENTAL HEALTH NURSING 541–43 (2008) (discussing the increase of anti-immigration rhetoric since September 11, 2001, and the negative impact that the blatant discrimination has on immigrant groups).

³ TYLER MORAN & DARANEE PETSOD, NEWCOMERS IN THE AMERICAN WORKPLACE: IMPROVING EMPLOYMENT OUTCOMES FOR LOW-WAGE IMMIGRANTS AND REFUGEES (Aug. 30, 2013), available at <https://www.gcir.org/publications/gcirpubs/newcomers>.

⁴ Telephone Interview with David Mace, Managing Attorney for Open Door Legal Services (Sept. 30, 2015) (noticing case managers are not equipped to assist homeless immigrants because they do not know or have the training or tools to address issues specific to immigrant populations).

⁵ NATIONAL CENTER FOR HOMELESS EDUCATION, IMMIGRANT AND HOMELESSNESS: INFORMATION FOR SCHOOL DISTRICT TITLE III PROGRAMS AND COMMUNITY AGENCIES (Fall 2006), available at http://center.serve.org/nche/downloads/briefs/imm_gen.pdf; see also *New Immigrants More Likely To Be Homeless Due to Economic Factors Rather Than Health Issues*, PHYS.ORG (Oct. 19, 2009), <http://phys.org/news/2009-10-immigrants-homeless-due-economic-factors.html>.

- National poverty rates⁶
 - 22.3% of immigrants live in poverty,⁷ compared to 13.2% of US-born citizens.
- Washington poverty rates⁸
 - 19.5% of immigrants and their family live in poverty compared to 9.9% of US-born citizens.
- National rates of undocumented workers in low-skilled jobs⁹
 - 62% held service, construction, and production jobs ; compared to 37.5% of U.S.-born workers.
 - 13% held managerial or professional jobs; compared to 36% of U.S-born workers.

Educational Barriers. Immigrant youth face unique barriers to education. They often have no choice but to attend “schools that are not just racially and ethnically segregated but also linguistically isolated.”¹⁰ As a result, dropout rates among immigrant youth are “significantly higher” than US-born citizens.¹¹

- National dropout rates¹²
 - The dropout rate remains above 30% for foreign-born refugees and immigrants.
- Washington class dropout rate¹³
 - 9,670 students in total dropped out in 2014:
 - Limited English students: 1022 (10.57%); and
 - Migrant students: 399 (4.13%).

⁶ STEVEN A. CAMAROTA & KAREN JENSENIUS, IMMIGRANTS IN THE UNITED STATES: A PROFILE OF AMERICA’S FOREIGN-BORN POPULATION 61 (Aug. 2009), *available at* <http://www.cis.org/sites/cis.org/files/articles/2012/immigrants-in-the-united-states-2012.pdf> (using statistics from 2012).

⁷ Immigrants here are defined as “persons living in the United States who were not American citizens at birth. This includes naturalized American citizens, legal permanent residents (green card holders), illegal immigrants, and people on long-term temporary visas such as foreign students or guest workers.” *Id.* at 5.

⁸ *Id.* at 61 (Aug. 2009).

⁹ Jeffrey S. Passel & D’Vera Cohn, *Share of Unauthorized Immigrant Workers in Production, Construction Jobs Falls Since 2007*, PEW RESEARCH CTR. (Mar. 26, 2015), <http://www.pewhispanic.org/2015/03/26/share-of-unauthorized-immigrant-workers-in-production-construction-jobs-falls-since-2007/> (describing low-skilled jobs as “blue-collar” type jobs); Researcher could not find readily available statistics for Washington State undocumented workers in low-skilled jobs.

¹⁰ ANN MORSE, A LOOK AT IMMIGRANT YOUTH: PROSPECTS AND PROMISING PRACTICES (Mar. 2005), *available at* <http://www.ncsl.org/research/immigration/a-look-at-immigrant-youth-prospects-and-promisin.aspx>.

¹¹ *Id.* at 9.

¹² Gretchen Krebs, *An American Education: Refugees and New Immigrants Face Challenges to Graduation*, DESERT NEWS NATIONAL (Jan. 2013), <http://national.deseretnews.com/article/1041/an-american-education-refugees-and-new-immigrants-face-challenges-to-graduation.html>.

¹³ DEB CAME & LISA IRELAND, Office of Superintendent of Public Instruction, GRADUATION AND DROPOUT STATISTICS ANNUAL REPORT 7 (Apr. 2015), *available at* <http://www.k12.wa.us/LegisGov/2015documents/GradandDropoutStats2015.pdf> (using class-cohort entering in 2010–2011); Researcher could not determine from the annual report how the groups were defined.

Language Barriers. English proficiency is a “fundamental hurdle for immigrants and refugees.”¹⁴ Without English language proficiency, immigrants and refugees face educational barriers and limitations in employment opportunities.¹⁵

- Rates of English proficiency of U.S. immigrant population¹⁶
 - 23% have medium limited English proficiency; and
 - 27% have low limited English proficiency.
- Washington State English proficiency of immigrant populations¹⁷
 - 21% have medium limited English proficiency; and
 - 33% have low limited English proficiency.¹⁸

Recommendations. The following recommendations target the barriers that predispose immigrants and refugees to homelessness in an effort to mitigate vulnerabilities:

- Shelters and service **providers should employ bilingual and multicultural staff members**—based on demographics of the community—to help individuals who may not be fluent in English maintain access to the shelter or service programs provided.
- Care providers should **receive cultural awareness and sensitivity training.**
- Service **programs** should be created and **specifically tailored to focus on the needs of homeless immigrants and refugees.**
- City providers should offer:
 - **More English** as a Second Language, **General Education Development**, and **job training** programs;
 - More **avenues for undocumented immigrants to access benefit programs** and homeless services; and
 - Greater **outreach programs for immigrant and refugee communities** to help **increase access to services.**
- Social service sectors, both in Washington State and the federal government, should **dedicate more resources to further research** and address the barriers perpetuating homelessness in the immigrant and refugee community.

¹⁴ ROBERT WOOD FOUNDATION, LIVING IN AMERICA: CHALLENGES FACING NEW IMMIGRANTS AND REFUGEES 5 (Katherine E. Garret ed., Aug. 2006).

¹⁵ MICHAEL KAVATE, IMMIGRANTS IN OREGON AND WASHINGTON: CREATING AN INCLUSIVE AND DYNAMIC FUTURE FOR ALL 7 (May 2014), *available at* <https://www.gcir.org/resources/immigrants-oregon-and-washington-creating-inclusive-and-dynamic-future-all> (here, the category covers limited English proficiency (LEP) (persons reporting speaking English less than “very well”), medium LEP (persons speaking English “well”), and low LEP (persons speaking English “not well or not at all”)).

¹⁶ *Id.* at 14 (using statistics from individuals in the workforce).

¹⁷ *Id.*

¹⁸ *Id.* at 15.

Introduction

The United States is often called a nation of immigrants.²¹ Over the past 400 years, immigrants have come to America to escape war, to flee political persecution, and for the freedom to practice their religion.²² Still others came for the opportunity to own land or simply for a chance to work and escape poverty.²³ And immigrants continue to come. But the lives of immigrants and refugees upon arriving in the United States can be rife with struggle---especially for those who come with few assets. The language, cultural and economic barriers many immigrants face are exacerbated by discrimination--ironically, many Americans fear and resent newly arrived immigrants.²⁴ Cultural and linguistic barriers, coupled with prejudice, leaves many immigrants marginalized and ostracized in immigrant communities.²⁵

In Washington State, an estimated one in seven Washingtonians is an immigrant.¹⁹ Since 1984 “King County has been the fifth largest recipient of refugees in the U.S.”²⁰

The United States foreign-born population is 42.1 million; and that population continues to increase.²⁶

Approximately one in seven Washingtonians is an immigrant.²⁷ Additionally, the 2010 Census states that the fifth largest recipient of refugees in the U.S has been King County since 1984.²⁸

Immigrants face unique challenges that predispose them to poverty. The challenges they face are lower paying jobs, language barriers, issues regarding legal status and cultural differences, as well as difficulty accessing federal and state services.²⁹ Each of these challenges is significant, but when combined they can be insurmountable, keeping employment, economic, and social stability out of reach to many immigrants. For those new Americans, homelessness is an omnipresent threat that can too easily become reality.³⁰

¹⁹ AMERICAN IMMIGRATION COUNCIL, *NEW AMERICANS IN WASHINGTON: THE POLITICAL AND ECONOMIC POWER OF IMMIGRANTS, LATINOS, AND ASIANS IN THE EVERGREEN STATE* (June 2015), available at http://www.immigrationpolicy.org/sites/default/files/docs/new_americans_in_washington_2015.pdf.

²⁰ *Frequently Asked Questions*, REFUGEE WOMEN’S ALLIANCE (Oct. 12, 2015), <http://www.rewa.org/about-rewa/frequently-asked-questions/>.

²¹ *History Times: A Nation of Immigrants*, GILDER LEHERMAN INSTITUTE, <https://www.gilderlehrman.org/history-by-era/immigration-and-migration/essays/history-times-nation-immigrants> (last accessed Apr. 30, 2016).

²² *Id.*

²³ *Id.*

²⁴ Janine Zacharia, *Neil Malhotra: Are Americans’ Fears of Immigration Overstated?*, GRADUATE SCHOOL OF STANFORD BUSINESS (Sept. 30, 2013), <https://www.gsb.stanford.edu/insights/neil-malhotra-are-americans-fears-immigration-overstated>.

²⁵ U.S. immigration law is filled with examples of legislation that favor discriminatory legal practices. Barbara Hines, *An Overview of U.S. Immigration Law and Policy since 9/11*, 12.1 *TEX. HISPANIC J. OF LAW AND POL’Y* 9, 10 (2006).

²⁶ CAMAROTA & ZEIGLER, *supra* note 1.

²⁷ AMERICAN IMMIGRATION COUNCIL, *supra* note 19.

²⁸ *Frequently Asked Questions*, *supra* note 20.

²⁹ MORAN & PETSOD, *supra* note 3.

³⁰ MARY E. HASKETT ET AL., *SUPPORTING FAMILIES EXPERIENCING HOMELESSNESS: CURRENT PRACTICES AND DIRECTIONS* 95 (2013).

Furthermore, despite an increase in the number of homeless immigrants and refugees,³¹ nationwide and statewide data regarding the relationships between homelessness and immigration is nearly nonexistent.³² As a result, immigrant populations are among those most vulnerable to homelessness because their needs and unique challenges are not adequately documented or researched, and inevitably, not understood.³³

This brief aims to address that deficit. It investigates key challenges that immigrants face which can lead to homelessness and suggests some steps to overcome those challenges. Part I identifies the sub-populations among immigrants are vulnerable to homelessness. Part II examines the factors such as, language, legal status, and cultural differences that prevent access to services and housing stability. Part III discusses the limitations and discrimination that immigrants face once homeless—in particular, lack of access to homeless shelters and coordinated services. Part IV follows up with recommendations to overcome these aforementioned barriers.

Ultimately, this brief aims to start a conversation about barriers that cause and perpetuate homelessness within immigrant communities. Current programs and services meant to tackle homelessness were not created to address the specific needs of immigrants who are experiencing homelessness.³⁴ Furthermore, United States laws and policies do not provide meaningful solutions to address homelessness in America’s immigrant population. Only by recognizing the unique challenges of homeless immigrants, and crafting measures to assist them, can we hope to bring these newly arrived Americans into stable housing, and give them a chance to create the future they envisioned when they came to this country.

I. Different Communities within Immigrant Populations

It can take an immigrant between 10 to 20 years to adjust to the culture and life in the United States.³⁵ With or without legal status recognition, immigrants and refugees face complex

³¹ Carol Smith, *High Barriers Put Refugees At Risk For Homelessness*, INVESTIGATE WEST (Sept. 16, 2010), <http://inwv.org/2010/09/16/high-barriers-put-refugee/> (in 2009, “the Refugee Women’s Alliance (ReWa) [...] reported a 25 to 30 percent increase in homeless refugees and immigrants.”)

³² Data regarding the intersectionality of homelessness and immigration is largely unavailable. To overcome this limitation, this brief sometimes uses qualitative data collected from interviews.

³³ KAYA LURIE & BREANNE SCHUSTER, Seattle University Homeless Rights Advocacy Project, *DISCRIMINATION AT THE MARGINS: THE INTERSECTIONALITY OF HOMELESSNESS AND OTHER MARGINALIZED GROUPS 2* (Sara K. Rankin ed., May 2015) (national and statewide data often exclude immigrant and refugee populations, making it difficult to have assess why these communities become homeless).

³⁴ Telephone Interview with Mace, *supra* note 4. Immigrants who cannot speak English or who have limited English may not be able to access programs meant to help individuals that are homeless. Instead, state agencies could conduct workshops in languages other than English that are geared toward employment, educations, or other services, in order to increase accessibility to services. *See* Interview with Andres Munoz, Attorney for Unemployment Law Project, in Seattle, Wash. (Mar. 30, 2016). Moreover, individuals who do not have required paper work cannot access or will have difficulties accessing certain services. There needs to be more shelters and coordinated services that are directed toward assisting homeless immigrants and refugees. *See* Telephone Interview with Marty Hartman, Executive Director for Mary’s Place (Sept. 23, 2015).

³⁵ HASKETT ET AL., *supra* note 30, at 92.

challenges that often leave them invisible and isolated.³⁶ Due to a lack of documentation, fear over legal status, and not having enough knowledge about their rights, immigrants and refugees often face “harassment, discrimination, and poor treatment” in the community and workplace.³⁷

This brief considers three communities: documented immigrants, undocumented immigrants, and refugees. While the needs of these communities often intersect, each one faces distinct challenges. Therefore, as a threshold matter, it is important to briefly consider some general distinctions among these communities.

A. Documented Immigrants

The Immigrant and Nationality Act broadly defines an immigrant as “any alien in the United States, except one legally admitted under specific nonimmigrant category.”³⁸ An alien is “any person not a citizen or national of the United States.”³⁹ For many immigrants, moving from their country of origin is a choice.⁴⁰ If given legal status, immigrants are afforded certain legal protections and access to federally funded homeless shelters.⁴¹

The Immigrant and Nationality Act does not define “homeless.” But, under the McKinney-Vento Homeless Assistance Act, a homeless person is defined as “an individual or family who lacks a fixed, regular, and adequate nighttime residence.”⁴² If a person is staying in temporary housing or in a shelter that is not meant for “human habitation,” that person is also considered to be homeless.⁴³

B. Undocumented Immigrants

Because they lack legal status, undocumented immigrants are “more vulnerable than other groups and more at risk in all social and economic interactions.”⁴⁴ An undocumented immigrant is defined as “an alien who has entered the United States illegally and is deportable if apprehended, or an alien who entered the United States legally but who has fallen ‘out of status’

³⁶ ROBERT WOOD FOUNDATION, *supra* 14, at 5.

³⁷ *Id.* at 11–12.

³⁸ The Immigrant and Nationality Act § 101(a)(15) (2013).

³⁹ *Alien*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/tools/glossary/alien-0> (last accessed Apr. 26, 2016).

⁴⁰ Michael Martinez & Miguel Marquez, *What’s the Difference Between Immigrant and Refugee?*, CNN (July 16, 2014), <http://www.cnn.com/2014/07/15/us/immigrant-refugee-definition/>.

⁴¹ However, immigrants that are lawfully permitted residents (LPR) typically cannot access federal benefits for the first five years that they have legal status. Interview with César Cuauhtémoc García Hernández, Visiting Professor at the University of Denver Sturm College of Law, in Seattle, Wash. (Mar. 25, 2016) (explaining how the law impacts an individual’s ability to access federal benefits); Interview with Marsha Chien, Assistant Attorney General in the Civil Rights Unit of the Washington Attorney General’s Office, in Seattle, Wash. (Mar. 28, 2016) (same).

⁴² The McKinney-Vento Homeless Assistance Act, 42 USC 11302 §§ 103 (2009).

⁴³ 42 U.S.C. §11360 (2012). The McKinney-Vento Homeless Assistance Act is important because it is the first “major federal legislative response to homelessness.” NATIONAL COALITION FOR THE HOMELESS, MCKINNEY-VENTO ACT NCH FACT SHEET #18 (June 2006), *available at* <http://web.archive.org/web/20071203073025/http://www.nationalhomeless.org/publications/facts/McKinney.pdf>.

⁴⁴ KEVIN R. JOHNSON, *OPENING THE FLOODGATES: WHY AMERICA NEEDS TO RETHINK ITS BORDERS AND IMMIGRATION LAWS* 124 (2007).

and is deportable.”⁴⁵ Due to their status, undocumented immigrants are more vulnerable to homelessness because they would rather forego assistance, whether it be for a shelter bed or asking for police help, rather than risk detention or deportation.⁴⁶

C. Refugees

Unlike immigrants who will often voluntarily leave their country of origin in order to improve their livelihoods, refugees will leave their country due to the threat of persecution or death.⁴⁸ International law accords individuals refugee status “precisely because it is too dangerous for them to return home, and they need sanctuary elsewhere. Refugees are people for whom denial of asylum has potentially deadly consequences.”⁴⁹ A person “becomes a refugee when he or she crosses a border to seek safety in another country. Refugees leave behind jobs, houses, and personal possessions and endure great hardship in their fight for safety and survival.”⁵⁰ After a refugee enters the United States, legal protections are afforded to them due to their status as a refugee.⁵¹

“Among the 50 states, Washington has one of the worst job-placement records for refugees...”⁴⁷

It is important to distinguish the different communities within immigrant populations because each faces unique challenges, and they have different legal protections and services available to them. However, for the purpose of this brief, immigrant will be universally applied to encompass each of the communities previously described, unless specifically indicated.

II. Barriers That Precipitate Homelessness Among Immigrant Communities

Precisely because of their immigration status within the homeless community, immigrants face unique barriers to successfully integrating into the economic and social fabric of

⁴⁵ *Immigration Terms and Definitions Involving Aliens*, IRS (Nov. 23, 2015),

<https://www.irs.gov/Individuals/International-Taxpayers/Immigration-Terms-and-Definitions-Involving-Aliens>.

⁴⁶ Due to their status, interactions with figures of authority or “government agencies become a lot more precarious” because there is always the fear of detention or deportation hanging around. Interview with Chien, *supra* note 41 (describing the law’s impact on undocumented immigrants); *see also* Interview with Munoz, *supra* note 34 (same).

⁴⁷ Lornet Turnbull, *Refugees Face Homelessness All Over Again in U.S.*, THE SEATTLE TIMES (Aug. 30, 2010), <http://www.seattletimes.com/seattle-news/refugees-face-homelessness-all-over-again-in-us/>. (Despite \$8.8 million spent [in 2010] in state and federal funds disbursed through a network of community-based organizations charged with helping refugees learn English and find work.”)

⁴⁸ Adrian Edwards, *UNHCR Viewpoint: ‘Refugee’ or ‘Migrant’ – Which is Right?*, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (Aug. 27, 2015), <http://www.unhcr.org/55df0e556.html>.

⁴⁹ *Id.*

⁵⁰ *Frequently Asked Questions*, *supra* note 22.

⁵¹ Edwards, *supra* note at 48. For example, once admitted into the United States, refugees can immediately start working after they arrive. *Refugees*, U.S. CITIZENSHIP & IMMIGRATION SERVICES (June 15, 2015), <https://www.uscis.gov/humanitarian/refugees-asylum/refugees>. Immigrants must qualify for a work permit, which they are not guaranteed to receive. However, work permits can create economic barriers for immigrants if they are not granted a permit. This could lead to unauthorized employment. *Working in the U.S.*, U.S. CITIZENSHIP & IMMIGRATION SERVICES (Sept. 11, 2013), <https://www.uscis.gov/working-united-states/working-us>.

the United States, which makes them susceptible to homelessness.⁵² A closer look at these barriers is warranted. Part A of this section discusses economic challenges, such as shortages in technical training for “low-skill” immigrants and job market instability. Part B examines the effect that language and cultural barriers have on immigrant communities as well as the lack of services provided to address these needs. Part C looks at barriers to housing, such as housing ordinances that target or negatively impact immigrants, while Part D discusses undocumented immigrants and the unique challenges that they face.

A. Economic Challenges

Lack of gainful employment and meaningful work creates obstacles for immigrants

“[T]here are few in our society as economically and otherwise vulnerable as recent immigrants to this country who toil as laborers, seek work on a day-to-day basis, and have limited English proficiency.”⁵³

seeking economic and social stability.⁵⁴ These obstacles impact immigrants differently according to their skills and education. “Low-skill,” technically trained immigrants have fewer job opportunities and are paid less than immigrants with “desirable skills,” or advanced degrees.⁵⁵

For example, jobs taken by low-skilled immigrants are in fields, such as agriculture, that require little to no formal education and do not always provide economic stability because of the seasonal or temporary nature of the

employment, as well as the inadequate pay.⁵⁶ However, this distinction is not meant to undermine the challenges that individuals with desirable skills or degrees face. Immigrants with

⁵² For example, discrimination due to immigrant status can occur in the workplace or with housing, although it is illegal to do so. *Types of Discrimination*, THE U.S. DEP’T OF JUSTICE (Aug. 8, 2015), <https://www.justice.gov/crt/types-discrimination>; U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IMMIGRANT STATUS AND HOUSING DISCRIMINATION FREQUENTLY ASKED QUESTIONS, *available at* <http://www.equalhousing.org/wp-content/uploads/2014/09/2012-Immigration-Status-FAQ.pdf>.

⁵³ NEW JERSEY ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, OVERCOMING THE BARRIERS FACED BY IMMIGRANTS: BRIEFING REPORT SEPTEMBER 2010 5 (Sept. 2010).

⁵⁴ HASKETT ET AL., *supra* note 30, at 92.

⁵⁵ Telephone Interview with Steven Bender, Professor for Seattle University School of Law, in Seattle, Wash. (Sept. 10, 2015) (discussing fluctuating market for “low-skill” workers). Generally, the U.S. will look for individuals that can contribute to the economy and fill “gaps in the U.S. labor market in sectors and jobs for which too few U.S.-born workers qualified.” James Witte, *America’s Immigrants: Finding Worth Beyond Skill*, HUFFINGTON POST (Nov. 10, 2013), http://www.huffingtonpost.com/james-witte/americas-immigrants_b_3886388.html (providing an example of having a specialization or an advanced degree); *see also* STEVEN A. CAMAROTA & KAREN JENSENIUS, ARE THERE REALLY JOBS AMERICANS WON’T DO? A DETAILED LOOK AT IMMIGRANT EMPLOYMENT BY OCCUPATIONS 1 (May 2013), *available at* <http://cis.org/sites/cis.org/files/occupations-5-1.pdf>.

⁵⁶ *Id.* “Many of these low-wage workers recognize the need to enhance their skills and educational credentials, [but] the conditions of their employment trap them, making it nearly impossible to escape.” Victoria Smith & Brian Halpin, *Low-Wage Work Uncertainty Often Traps Low-Wage Workers*, UC DAVIS CTR. FOR POVERTY RESEARCH (Apr. 15, 2014), <http://poverty.ucdavis.edu/policy-brief/low-wage-work-uncertainty-often-traps-low-wage-workers>.

advanced skills also face certain economic challenges; however, these challenges are distinct from those “low-skill,” technically trained immigrants.⁵⁷

“Low-skill,” technically trained immigrants contend with inadequate job training and employment prospects in the United States.⁵⁸ In particular, refugees are hard pressed to find jobs that are well suited for their skill sets.⁵⁹ For those individuals considered to be “low-skilled,” finding job opportunities that provide a stable income is difficult to achieve.⁶⁰ Additionally, many low-skilled workers “confront multiple barriers to employment... a lack of English proficiency, limited skills, low levels of education, and poor understanding of American cultural and workplace norms restrict [low- skilled immigrants’] access to good jobs that pay family-sustaining wages and provide opportunities for advancement.”⁶¹ Consequently, “the unemployment rate of refugees in their first year in America is 46% and decreases over time; however, refugee unemployment rates are still higher than the general U.S. unemployment rate for at least the first five years.”⁶²

Furthermore, immigrant communities also face additional challenges in maintaining economic stability even when they are successful in finding employment. For example, fair labor standards, as required by the Fair Labor Standards Act, are not always practiced by employers and enforced by outside third parties, particularly for undocumented workers.⁶³ This lack of protection can lead to unsafe work environments, long hours, and unfair and inadequate pay.⁶⁴ Typically, immigrants do not report unsafe work conditions because of a fear of retaliation from

⁵⁷ For example, immigrants with advanced degrees and skills often faces challenges that include “difficulties in obtaining recognition of professional experiences and credentials earned from educational institutions abroad, acquiring professional-level English skills, navigating costly or time-consuming recertification processes, and building professional networks and U.S. job search skills.” MARGIE MCHUGH ET. AL., BRAIN WASTE IN THE WORKFORCE: SELECT U.S. AND STATE CHARACTERISTICS OF COLLEGE-EDUCATED NATIVE-BORN AND IMMIGRANT ADULTS 1 (May 2014).

⁵⁸ See Interview with Hartman, *supra* note 34 (stating need for more job and technical training); see also Interview with Abeba Solomon, Translator at Mary’s Place, in Seattle, Wash. (Mar. 3, 2016) (stating that service providers need to offer more job skills trainings, such as vocational classes).

⁵⁹ *Refugees Often Face Greater Challenges in Adapting to U.S. than Other Immigrants*, AM. SOCIOLOGICAL ASS’N (Aug. 19, 2012), http://www.asanet.org/press/refugees_have_greater_difficulty_adjusting_to_us.cfm (Theo and Linda Majka, sociology professors, “researched the experiences of refugees from six ethnic or cultural groups who have resettled in Dayton over the past 20 years.” They found that “[m]any [refugees] can only find dead-end service jobs, although they have good educations and skills.”).

⁶⁰ Interview with Bender, *supra* note 55 (discussing fluctuating market for “low-skill” workers); see generally Smith & Halplin, *supra* note 56.

⁶¹ MORAN AND PETSOD, *supra* note 3.

⁶² UNITED WAY OF KING COUNTY, 2012 UNITED COMMUNITY ASSESSMENT (2012), available at <http://uwkc.pub30.convio.net/assets/files/community-assessment/immigrants-and-refugees.pdf> (Researches could not tell from the assessment what the limitations, if any, are of the refugees’ work skills.).

⁶³ See DONALD M. KERWIN & KRISTEN MCCABE, LABOR STANDARDS ENFORCEMENT AND LOW-WAGE IMMIGRANTS 1 (July 2011). The government is not always able to enforce Fair Labor Standards, depending on the region, agencies have to be selective of who they go after. Telephone Interview with Diego Rondon Ichikawa, Washington Wage Claim Project (Mar. 30, 2016) (explaining certain limitations of the Department of Labor); ROBERT WOOD FOUNDATION, *supra* note 14, at 10.

⁶⁴ KERWIN & MCCABE, *supra* note 63, at 1.

their employers.⁶⁵ Additionally, undocumented immigrants may be exploited but generally will not report unfair or illegal employer practices because of fear of detention or deportation.⁶⁶ Furthermore, immigrants who are hard-pressed to find jobs rely on any employment to financially support themselves and their family; thus, the risk of being fired for reporting unfair or unsafe employment conditions is too great.⁶⁷ Consequently, this vicious cycle of economic exploitation continues.

Once they are employed, immigrants also struggle to maintain economic stability. Immigrants may be unaware of the protections accorded to them under the Fair Labor Standards Act, and undocumented workers fear reporting unfair or abuse employment practices due to the threat of deportation.⁶⁸ Without these basic employment protections, immigrants often toil in unsafe work environments, with long hours, and for unfair and inadequate pay.⁶⁹ All of these factors can detrimentally affect economic stability for immigrants.⁷⁰ Immigrants are disproportionately impacted by poverty nationally and in Washington State.⁷¹ Poverty rates among immigrants, migrants and refugees tend to be typically higher than their U.S. citizen counterparts.⁷² For example, 22.3% of immigrants and their children live in poverty, compared to 13.2% of native-born residents and their children.⁷³ Additionally, “35% of immigrants make less than \$25,000 a year compared to 21% of native-born workers.”⁷⁴ One study showed that

⁶⁵ Employer retaliation is illegal regardless of the employee’s immigrant status. However, if an employer does retaliate, the employee can pursue legal remedies; but the employee’s remedies are limited depending on legal status. *See* Telephone Interview with Rondon Ichikawa, *supra* note 63 (explaining certain legal remedies for immigrants); *see also* Telephone Interview with Munoz, *supra* note 34 (same). The Department of Labor and the Department of Labor and Industries are two entities that can ensure labor law safety standards are being practiced and enforced. Interview with Chien, *supra* note 41. By going through these departments, it is more difficult for employers to retaliate. *Id.*

⁶⁶ KERWIN & MCCABE, *supra* note 63, at 1. “People just don’t want to rattle the cage. They would rather take the violation or unjust work situation.” Telephone Interview with Rondon Ichikawa, *supra* note 63 (explaining that the threat of losing their job is the biggest issue).

⁶⁷ Undocumented immigrants stay in abusive or unsafe working environments because they know their employer will allow them to work there, despite their status. Interview with Chien, *supra* note 41 (explaining the fear of not finding another employer who will hire them).

⁶⁸ *See* KERWIN & MCCABE, *supra* note 63, at 1. The government is not always able to enforce Fair Labor Standards, depending on the region, agencies have to be selective of who they go after. Telephone Interview with Rondon Ichikawa, *supra* note 63 (explaining certain limitations of the Department of Labor); *see also* ROBERT WOOD FOUNDATION, *supra* note 14, at 10.

⁶⁹ Interview with Chien, *supra* note 41 (explaining how undocumented immigrants will often stay in abusive (or unsafe environments/conditions) because they know that their employer will allow them to work there, regardless of status.)

⁷⁰ *See generally* CAMOROTA & JENSENIUS, *supra* note 6; *see also* Olga Lasco, *An Earnings and Poverty Profile of US Immigrants*, INST. FOR SOC. & ECON. DEV. (May 27, 2011), <http://www.isedsolutions.org/taxonomy/term/18/earnings-and-poverty-profile-us-immigrants>.

⁷¹ Low-skill immigrants in particular tend to be impacted by poverty. *See generally* Robert Rector, *Importing Poverty: Immigration and Poverty in the United States: A Book of Charts*, THE HERITAGE FOUNDATION (Oct. 26, 2006), <http://www.heritage.org/research/reports/2006/10/importing-poverty-immigration-and-poverty-in-the-united-states-a-book-of-charts>.

⁷² *See generally* CAMOROTA & JENSENIUS, *supra* note 6.

⁷³ *Id.* at 61. A different study cites similar statistics: Immigrants who are not U.S. citizens are more than twice as likely to live in poverty (23 percent) than immigrants who have naturalized as U.S. citizens (10 percent). Lasco, *supra* note 70.

⁷⁴ Lasco, *supra* note at 70.

immigrants from Mexico (30.1%), Honduras (32.7%), Guatemala (28.5%) and Haiti (23.7%) have the highest poverty levels in the United States when compared to native U.S. citizens.⁷⁵ In Washington State, 19.5% of immigrants and their family live in poverty, but native-born Washingtonians account for only an estimated 9.9%.⁷⁶

The impact of the lack of job opportunities or gainful employment on immigrants is two-fold: immigrants both struggle to escape poverty and to become economically stable and successful in the United States.⁷⁸ Poverty is “perhaps the most ominous indicator with respect to homelessness.”⁷⁹ As such, economic challenges are substantial barriers for immigrants, making them particularly vulnerable to homelessness.

B. Language and Education

A lack of English proficiency is “a fundamental hurdle for immigrants and refugees” in receiving education, training, and adequate employment.⁸⁰ “Almost 20% of the U.S. population speaks a language other than English at home, and almost 8% of people speak English less than very well.”⁸¹ In Washington State, half of the immigrant workers surveyed reported that they speak English less than “very well.”⁸² In terms of job opportunities, “language skills are frequently a determining factor in immigrants’ ability to secure careers that match their skills and climb the economic ladder.”⁸³ An immigrant or refugee may be highly skilled in a particular field, but lack of English fluency may hinder their employment prospects, particularly for employment that pays more than minimum wage.⁸⁴

“When you get here you discover a lot of obstacles that don't let you get ahead, especially when you don't speak English or don't understand people's way of thinking in this country.”⁷⁷

⁷⁵ CAMOROTA & JENSENIUS, *supra* note 6, at 27.

⁷⁶ *Id.* at 61.

⁷⁷ Martin E. Martinez, *Education is the Key to Integration for Immigrants*, ALTERNET (Mar. 12, 2009), http://www.alternet.org/story/131293/education_is_the_key_to_integration_for_immigrants.

⁷⁸ See SETH ZIMMERMAN, IMMIGRATION AND ECONOMIC MOBILITY 2 (Apr. 3, 2008), *available at* <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/1001162-Immigration-and-Economic-Mobility.PDF> (noting that low-skilled immigrants are more likely to live in poverty and compete with other low-skilled native-born workers, making economic upward mobility more difficult).

⁷⁹ *Increases in Homelessness on the Horizon*, NAT'L ALLIANCE TO END HOMELESSNESS (Sept. 28, 2011), <http://www.endhomelessness.org/library/entry/increases-in-homelessness-on-the-horizon>.

⁸⁰ ROBERT WOOD FOUNDATION, *supra* 14, at 5.

⁸¹ TANYA BRODER ET. AL., OVERVIEW OF IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 1–3 (Dec. 2015), *available at* <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>.

⁸² KAVATE, *supra* note 15, at 7.

⁸³ *Id.* Without competency in English, obtaining opportunities for jobs and education become more difficult. MADELEINE SUMPTION, STRATEGIES TO IMPROVE THE RECOGNITION OF IMMIGRANTS’ FOREIGN QUALIFICATIONS 5–6 (July 2013), *available at* <http://www.migrationpolicy.org/research/tackling-brain-waste-strategies-improve-recognition-immigrants-foreign-qualifications>.

⁸⁴ Occupational language tests meant to test English proficiency can create a “major barrier to practice” because “exam preparation can keep foreign professionals out of the labor market for extend periods, during which their

For adults living in the United States, a lack of formal education and training can have a wider impact in terms of stability and independence.⁸⁶ However, due to limited classes and accessibility of ESL programs, many struggle to find opportunities to become English proficient.⁸⁷ Immigrants that do not have English fluency face greater difficulties finding jobs to support themselves and their families.⁸⁸ Thus, for immigrants trying to integrate into American society and find stability and independence, having access and resources to obtain language classes becomes key.⁸⁹

English fluency, or lack thereof, profoundly impacts immigrant youth. For immigrant youth, English proficiency is crucial to their education. Yet, there is a “shortage of English as a Second Language (ESL) and bilingual education teachers.”⁹⁰ Without English fluency, immigrant youth often fall behind and “end up sitting in the class without understanding anything.”⁹¹

“Nearly 1 in 10 working-age U.S. adults—19.2 million persons aged 16 to 64—is considered limited English proficient.”⁸⁵

occupational skills may become rusty.” SUMPTION, *supra* note 83, at 8. “A lack of proficiency in English ‘was the most powerful predictor’ of immigrants unable to get a suitable job” despite having the education or training needed for the job. Julia Beckhusen, Raymond J.G.M. Florax, Jacques Poot, & Brigitte S. Waldorf, *Attracting Global Talent, and Then What? Overeducated Immigrants in the United States*, 53.5 J. OF REG’L SCI. 834, 852 (2013).

⁸⁵ JILL H. WILSON, INVESTING IN ENGLISH SKILLS: THE LIMITED ENGLISH PROFICIENT WORKFORCE IN U.S. METROPOLITAN AREAS 1 (Sept. 2014).

⁸⁶ See generally ROBERT WOOD FOUNDATION, *supra* note 14.

⁸⁷ Classes are not always at a convenient times or can conflict with work schedules. ROBERT WOOD FOUNDATION, *supra* note 14, at 6. Tight budgets or cuts to program funding can also reduce availability of ESL classes limiting the time when individuals can participate. *Id.* Individuals who work full-time to support a family may not be able to go to ESL classes or do not have the time to become proficient. *Immigrants Face Struggle to Live Without English*, L.A. TIMES (May 11, 1992), http://articles.latimes.com/1992-05-11/news/mn-1285_1_limited-english; see also Telephone Interview with Hartman, *supra* note 34 (noting the insufficiency of ESL classes).

⁸⁸ AMERICAN IMMIGRATION: AN ENCYCLOPEDIA OF POLITICAL, SOCIAL, AND CULTURAL CHANGE 438 (James Ciment & John Radzilowski eds., 2014).

⁸⁹ ROBERT WOOD FOUNDATION, *supra* note 14, at 5 (noting that a “lack of English proficiency is a barrier to a better life”); Interview with Solomon, *supra* note 58 (describing barriers that arise when an individual is not proficient in English); Interview with Charlotte, Housing and Wellness Advocate for Mary’s Place, in Seattle, Wash. (Mar. 3, 2016) (same); see also Telephone Interview with Ruby Robinson, Supervising Attorney for Michigan Immigrant Rights Center (Feb. 24, 2016) (same).

⁹⁰ AARON TERRAZAS & MICHAEL FIX, Migration Policy Institute, THE BINATIONAL OPTION: MEETING THE INSTRUCTIONAL NEEDS OF LIMITED ENGLISH PROFICIENT STUDENTS 5 (Nov. 2009), available at <http://www.migrationpolicy.org/research/binational-option-meeting-instructional-needs-limited-english-proficient-students>.

⁹¹ ROBERT WOOD FOUNDATION, *supra* note 14, at 7.

Furthermore, if the youth's English is not at the fluency level required for their age, then he or she may be held back and placed with younger children.⁹² As a result, children integrating

“I was paying 60 percent of my income towards rent... hiding my youngest child. If I didn't do that, they would have required me to rent a three-bedroom apartment, which I cannot afford. I was hiding my youngest for two years.”¹

into a new system may feel even more isolated and withdrawn.⁹³ They may not engage in their lessons, making it difficult to pick up the necessary academic or language skills needed to succeed the classroom or in careers.⁹⁴ As a result, economic and employment challenges may arise in adulthood.⁹⁵ Thus, English proficiency challenges create a cycle of poverty for immigrants: inadequate English skills lead to inadequate education, which leads to employment barriers, which thus perpetuates poverty.

C. Barriers to Housing

Immigrants also “lack safe, affordable housing in their communities.”⁹⁶ Many immigrants often take low-wage jobs or are unemployed or under-employed when they first arrive to the United States; therefore, they face “more obstacles to accessing affordable

housing, are more likely to live in overcrowded situations out of sight of the public system, and spend over half of their monthly income on housing costs.”⁹⁷ For example, in fast growing cities such as Seattle, where rent costs for housing is “10th highest in the U.S. and rising faster than any other major city,”⁹⁸ marginalized groups, such as immigrants, become less likely to find housing.⁹⁹ For instance, of the “74.3 million owner-occupied households [nationwide], 89% were

⁹² Telephone Interview with Hartman, *supra* note 34.

⁹³ Language barriers help to perpetuate feelings of isolation and beliefs that the student does not belong. ROBERT WOOD FOUNDATION, *supra* note 14, at 7.

⁹⁴ Immigrants risk falling behind in schools due to language barriers and potentially inconsistent schooling prior to arriving in the U.S. ROBERT WOODS FOUNDATION, *supra* note 14, at 7. If kids are to succeed, it is imperative for school administrators to realize the “process of immigration is potentially a severely stressful occurrence for immigrant children and families.” Kristin McCarthy, *Adaption of Immigrant Children to the United States: A Review of the Literature* 17 (Center for Research and Wellbeing Working Paper #98-03), available at <http://rcrw.princeton.edu/workingpapers/WP98-03-McCarthy.pdf>. Better engagement is needed between immigrant youths, school administrators, and teachers to address the language barriers. *Id.*

⁹⁵ See *supra* Section II.A. For example, if a limited English speaker is applying for benefits, they may qualify, but miss important steps because they could not read when the deadline was to submit the paperwork. Telephone Interview with Rondon Ichikawa, *supra* note 63.

⁹⁶ ROBERT WOOD FOUNDATION, *supra* note 14, at 10.

⁹⁷ HASKETT ET AL., *supra* note 30, at 92.

⁹⁸ Bryan Cohen, *Seattle rents rising faster than in any other major U.S. city – even faster on Capitol Hill*, CAPITOL HILL SEATTLE BLOG (Sept. 26, 2014), <http://www.capitolhillseattle.com/2014/09/seattle-rents-rising-faster-than-any-other-major-u-s-city-even-faster-on-capitol-hill/>.

⁹⁹ See generally Erik Schultz, *Behind the Byline: Immigrants and Refugees Struggle with Housing*, THE SEATTLE TIMES (Oct. 2, 2015), <http://www.seattletimes.com/pacific-nw-magazine/behind-the-byline-immigrants-and-refugees-struggle-with-housing/>; see also Tyrone Beason, *Unsettled: Immigrants search for their ‘forever’ homes in Seattle*, THE SEATTLE TIMES (Oct. 2, 2015), <http://www.seattletimes.com/pacific-nw-magazine/unsettled-immigrants-search-for-their-forever-homes-in-seattle/> (difficult to find housing when you are a new immigrant

native-born, while 11% were foreign-born.”¹⁰⁰ Without housing, members of these communities will sometimes stay with family or friends until they can find an affordable option.¹⁰¹

Furthermore, zoning laws cap the number of individuals that can legally live under one roof.¹⁰² Household capping laws harm immigrants that need to live with friends because of finances or lack of affordable housing.¹⁰³ The zoning laws are problematic because landlords have the ability to decide who is “legal” and discriminate based on stereotypes.¹⁰⁴ In addition to household capping zoning laws, a “lack of U.S. credit history, U.S. rental history, Social Security number, or U.S.-issued identification often prevents immigrants from finding an affordable apartment.”¹⁰⁵ Requiring individuals to have several variations of documentation to prove their capability to rent or own a house, landlords add one more barrier for immigrants trying to find independence and stability. This simply furthers the vulnerability of immigrant and refugee communities.

D. Undocumented Status

Due to their legal status, undocumented immigrants face additional barriers, such as labor exploitation and a lack of access to public services.¹⁰⁶ Undocumented immigrants are in a position of constant vulnerability because of their fear of being detained or deported.¹⁰⁷ Therefore, when undocumented immigrants experience homelessness, they are hesitant to reach out for help.¹⁰⁸ Additionally, access to federal aid is unavailable for undocumented

because of the initial “lack of documents, training, language skills and transportation needed to access good jobs, and who don’t have enough credit history to rent a home.”)

¹⁰⁰ EDWARD N. TREVELYAN, YESSENIA D. ACOSTA, & PATRICIA DE LAW CRUZ, HOMEOWNERSHIP AMONG THE FOREIGN-BORN POPULATION: 2011 AMERICAN COMMUNITY SURVEY BRIEFS 2 (Jan. 2013), *available at* <https://www.census.gov/prod/2013pubs/acsbr11-15.pdf>.

¹⁰¹ ROBERT WOOD FOUNDATION, *supra* note 14, at 10.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ See generally Rigel C. Oliveri, *Between a Rock and Hard Place: Landlords, Latinos, Anti-Illegal Immigrant Ordinances, and Housing Discrimination*, 62 VAND. L. REV. 55 (2009).

¹⁰⁵ THE ADVOCATES FOR HUMAN RIGHTS, MOVING FROM EXCLUSION TO BELONGING: IMMIGRANT RIGHTS IN MINNESOTA TODAY 182 (Mar. 2014), *available at* http://www.theadvocatesforhumanrights.org/uploads/ahr_moving_from_exclusion_to_belonging_final_2.pdf; see also ROBERT WOOD FOUNDATION, *supra* note 14, at 10.

¹⁰⁶ ROBERT HARTMANN MCNAMARA, HOMELESSNESS IN AMERICA 207–08 (Aug. 28, 2008). However, it is difficult to find accurate statistics regarding the type of barriers that negatively affect homeless undocumented immigrants.

¹⁰⁷ Michelle Chen, *Immigrant Workers Are Being Deported for Getting Injured on the Job*, THE NATION (Mar. 17, 2015), <http://www.thenation.com/article/immigrant-workers-are-being-deported-being-injured-job/> (discussing how immigrant workers are in a particular position of vulnerability because their status prevents them from reporting any abuse. “A climate of impunity for employers, coupled with the threat of deportation, is forcing undocumented workers to bear the costs of injury and abuse.”); see also Ahmed Alif and Bryan S. Nelson, *A Psychological Explanation of Undocumented Immigrants’ Participation in the U.S. Economy*, NYU DEPARTMENT OF APPLIED PSYCHOLOGY, <http://steinhardt.nyu.edu/appsy/opus/issues/2014/fall/alif-nelson>, (last accessed: May 2016) (discussing how undocumented immigrants face “constant, chronic risk of apprehension and deportation.”).

¹⁰⁸ Telephone Interview with Mark Okazaki, Executive Director for Neighborhood House (Sept. 25, 2015) (discussing fear of being detained and deportation); HASKETT ET AL., *supra* note 30, at 92.

immigrants.¹⁰⁹ Indeed, undocumented immigrants cannot access federally funded programs or services, such as homeless shelters.¹¹⁰

Access to affordable housing is also limited for undocumented immigrants.¹¹¹ However, under the United States Fair Housing Act (FHA), “a person’s immigration status does not affect his or her federal fair housing rights or responsibilities.”¹¹² In other words, an individual cannot be discriminated against, regardless of their immigration status, when renting or buying a house; yet, despite the FHA, cities have passed ordinances that actively discriminate against undocumented immigrants.¹¹³ For example, Fremont, Nebraska “prohibit[s] the harboring of illegal aliens or hiring of unauthorized aliens.”¹¹⁴ Harboring is defined as “conduct tending substantially to facilitate an alien’s ‘remaining in the United States illegally,’ provided, of course, the person charged has knowledge of the alien’s unlawful status.”¹¹⁵

¹⁰⁹ See 8 U.S.C. §1611 (2012); see also Telephone Interview with Okazaki, *supra* note 108 (discussing the law). However, there are a few exceptions. For a brief list of eligible benefits, see Table 1, *infra* Appendix.

¹¹⁰ BRODER ET. AL., *supra* note 81. However, non-profits do not necessarily have to ask about status when undocumented immigrants apply for services, unless the funding used to pay for the certain services is supplied from the federal government. 8 U.S.C. §1642(d)(2012); see also Telephone Interview with Okazaki, *supra* note 108 (discussing the law); MAGGIE MCCARTY & ALISON SISKIN, IMMIGRATION: NONCITIZEN ELIGIBILITY FOR NEEDS-BASED HOUSING PROGRAMS 8 (Dec. 2015) (The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) “exempts ‘nonprofit charitable organizations’ that provide [certain] federal public benefits from [verifying] the eligibility of...participants.”).

¹¹¹ UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: AN ENCYCLOPEDIA OF THEIR EXPERIENCES A–J 326 (Anna Ochoa O’Leary ed., 2014).

¹¹² UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IMMIGRATION STATUS AND HOUSING DISCRIMINATION FREQUENTLY ASKED QUESTIONS (2000), available at <http://www.equalhousing.org/wp-content/uploads/2014/09/2012-Immigration-Status-FAQ.pdf>.

¹¹³ See *Lozano v. City of Hazleton*, 720 F.3d 297 (3d Cir. 2013) (describing a local ordinance that makes it “unlawful for any person or business entity that owns a dwelling unit in the City to harbor an illegal alien in the dwelling unit, knowing or in reckless disregard of the fact that an alien is unauthorized”); see also Hazleton, PA., Ordinance No. 2006-18 (2006) (prohibiting any person or business entity from hiring or harboring an illegal alien). The Hazleton, PA Ordinance No. 2006-18 bases its prohibitions on sweeping generalizations that undocumented immigration “leads to higher crime rates, subjects [its] hospitals to fiscal hardship and legal residents to substandard quality of care, contributes to other burdens on public services, increasing their cost and diminishing their availability to legal residents, and diminishes [the people’s] overall quality of life.” Hazleton, PA., Ordinance No. 2006-18 (2006).

¹¹⁴ Fremont, NE, Ordinance No. 5169, Amending the Fremont, NE, Ordinance No. 3139 (June 21, 2010) (“prohibiting the harboring of illegal aliens or hiring of unauthorized aliens”). After court challenges, enforcement started on April 2014. Under the ordinance, a potential renter fills out an application form, including their immigration status. If the renter states that they are not a U.S. citizen, the application is sent to the federal government to verify the individual’s legal status. However, because the City of Fremont does not require driver’s licenses or Social Security numbers, the verification process does not get used. As a result, the ordinance cannot be enforced because the federal government cannot verify status based on the limited information found on the form. David Hendee, *Catch-22 Keeps Fremont From Acting on Controversial Housing Ordinance*, OMAHA METRO (Apr. 12, 2015), http://www.omaha.com/news/metro/catch--keeps-fremont-from-acting-on-controversial-housing-ordinance/article_34091da3-ddd3-5643-8076-f474fd328260.html; see also Farmers Branch, Tex., Ordinance No. 2952 (2008).

¹¹⁵ *U.S. v. Lopez*, 521 F.2d 437, 441 (2nd Cir 1975); see also *The Law Against Hiring or Harboring Illegal Aliens* (1999), FED’N FOR AM. IMMIGRATION REFORM (Dec. 1999), <http://www.fairus.org/issue/the-law-against-hiring-or-harboring-illegal-aliens>.

Similarly, Farmers Branch, Texas, passed an ordinance stating “prospective tenants prove they are in the U.S. lawfully as part of obtaining a \$5 residential occupancy license.”¹¹⁶ Under the ordinance, “[t]he city’s building inspector would be responsible for verifying a tenant’s immigration status with the federal government.”¹¹⁷ Violations committed by tenants or landlords in relation to this ordinance could result in “class C misdemeanor charges under the ordinance.”¹¹⁸ The stated purpose of the ordinance is to curtail “illegal immigration” because the town was facing “an out-of control, serious problem.”¹¹⁹

Needless to say, local undocumented immigrants become particularly vulnerable to homelessness by making housing unavailable through the use of these laws. In creating discriminatory laws and ordinances that prohibit renting or housing undocumented immigrants almost force them into homelessness. Ordinances that prohibit renting to and mandate status checks of undocumented immigrants gives them little choice but to double up with family, friends, or colleagues.¹²⁰ If they cannot double-up, undocumented immigrants are effectively relegated to homelessness, and worse still, their undocumented status leaves them ineligible to access many homeless shelters and services, particularly if the services are funded by federal grants.¹²¹ Homeless undocumented immigrants essentially live on the street, and in the shadows, in fear of being detained or deported.¹²²

III. Challenges Immigrants Face Once Homeless

Due to language, culture, religion, and ethnicity, immigrants “often face discrimination from service systems and providers who are unfamiliar with their unique cultural/ethnic/racial backgrounds.”¹²³ As a result, immigrants experience unique challenges once they become homeless.

¹¹⁶ Dianne Solis, *Farmers Branch Votes to Take Illegal Immigrant Rental Ban Fight to Supreme Court*, THE DALLAS MORNING NEWS (Aug. 20, 2013), <http://www.dallasnews.com/news/community-news/carrollton-farmers-branch/headlines/20140303-supreme-court-refuses-farmers-branch-immigration-ordinance.ece>.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.* Both the Hazleton and Farmers Branch ordinances were ruled to be unconstitutional by the U.S. Supreme Court and “the decision will let stand lower court rulings in the 3rd and 5th Circuits, respectively, that found the ordinances unconstitutional and permanently prohibited the ordinances from taking effect.” *U.S. Supreme Court Lets Stand Lower Court Rulings Prohibiting Anti-Immigrant Housing Ordinances in Hazleton, PA and Farmers Branch, TX*, ACLU (Mar. 3, 2014), <https://www.aclu.org/news/us-supreme-court-lets-stand-lower-court-rulings-prohibiting-anti-immigrant-housing-ordinances>.

¹²⁰ UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES, *supra* note 111, at 343–44; Doubled-up refers to those who stay at the home of others, typically other family or friends, because they have no other place to live. HASKETT ET AL., *supra* note 30, at 94.

¹²¹ Telephone Interview with Mace, *supra* note 4. There is a fear among the undocumented community that if they were to ask for government or police help their status will be found out and they will get deported. Interview with Munoz, *supra* note 34 (discussing fear of being detained and deportation); Telephone Interview with Rondon Ichikawa, *supra* note 63 (describing a general fear of government agencies by undocumented immigrants who may not understand the difference between federal or state agencies and are afraid to be flagged in the system).

¹²² Interview with Chien, *supra* note 41.

¹²³ HASKETT ET AL., *supra* note 30, at 96.

These challenges, as discussed below, come into play when immigrants access homeless shelters. Shelters often lack the capacity, and even the willingness, to work with homeless immigrants due to language barriers or because of religious and dietary needs.¹²⁴ For example, case managers rarely have sufficient language skills or culture competency training to work with homeless immigrant communities.¹²⁵ Additionally, lack of cultural barriers and qualifications for service, related to immigration status also impedes access to shelters.¹²⁶ Finally, the general challenges to immigrants in accessing shelters and services can have even more severe consequences to immigrants who are victims of domestic violence, which is one of the “most common causes of homelessness for women and children.”¹²⁷

A. Access to Shelter

Homeless immigrants have diverse backgrounds and experiences. Some immigrants’ cultural norms and behaviors are significantly different than those found in the United States.¹²⁹ These differences in norms and behaviors often prevent homeless immigrants from seeking help. Therefore, it is important for service providers to understand immigrants’ culture and norms in order to better serve their needs. This section discusses the limitations and challenges that cultural barriers present for immigrants trying to escape homelessness.

“ I stayed there (shelter) for a week . . . like I said before I do not speak English and I didn’t know how to drive . . . there was somebody speaking Spanish during the morning shifts and it was perfect . . . but later in the afternoon and night they change staff and it was hard . . . because you cannot . . . well, I couldn’t tell them anything, I felt like I was there, but I wasn’t, at the same time . . . ”¹²⁸

¹²⁴ See Interview with Mace, *supra* note 4 (discussing certain limitations in accessing shelters); see also Telephone Interview with Robinson, *supra* note 89 (same).

¹²⁵ See Interview with Mace, *supra* note 4 (discussing certain limitations in accessing shelters); see also Telephone Interview with Robinson, *supra* note 89 (in more rural areas, it may be especially difficult to find individuals that have cultural competency qualifications or can speak a second language).

¹²⁶ For example, undocumented immigrants do not qualify for federal benefits, but documented immigrants may not access federal benefits during the first five years that they have legal status. See Interview with Chien, *supra* note 41 (discussing the law); see also Telephone Interview with César Cuauhtémoc García Hernández, *supra* note 41 (same); see also Telephone Interview with Okazaki, *supra* note 108 (same).

¹²⁷ See generally COALITION FOR HOMELESSNESS INTERVENTION AND PREVENTION, DOMESTIC VIOLENCE AND HOMELESSNESS FACTS, available at <http://www.chipindy.org/wp-content/uploads/2013/07/Domestic-Violence-and-Homelessness-Facts-1.pdf>.

¹²⁸ Angelica S. Reina et. al., *He Said “They’d Deport Me”: Factors Influencing Domestic Violence Help-Seeking Practices Among Latina Immigrants*, 29.4 J. OF INTERPERSONAL VIOLENCE 593, 606 (describing a participant’s experience leaving a shelter because she could not speak English and there were no bi-lingual staff at night).

¹²⁹ For some immigrants due to “their distinct physical features and diverse customs, languages, and norms, make it even harder for them to ‘achieve a cultural solidarity sufficient at least to sustain a national existence.’” Hellen G. McDonald and Pallassana R. Balgopal, *Conflicts of American Immigrants: Assimilate or Retain Ethnic Identity*. 26.4 MIGRATION WORLD MAGAZINE 1 (May-June 1998), available at http://maxweber.hunter.cuny.edu/pub/eres/SOC217_PIMENTEL/imigrant-assimilation.pdf.

i. Language and Culture

Compared to homeless populations generally, homeless immigrants face different hurdles than the general homeless population when trying to utilize programs meant to address homelessness, such as issues related to culture and language.¹³⁰ Language and cultural differences, barriers and insecure legal status can discourage immigrants from accessing homeless shelters.¹³¹ Language barriers and insecure legal status can discourage immigrants from accessing homeless shelters.¹³² Immigrants who have been homeless for a period of time often are aware of emergency and long-term shelters.¹³³ However, this awareness is not enough for an individual to seek out help; comfort and safety is key to accessibility.¹³⁴ For example, if an individual is uncomfortable due to language or cultural barriers, the individual might not even attempt to access the service program.¹³⁵ Many shelters and service providers do not have the capacity or the staff to provide bilingual services.¹³⁶ As one advocate noted, when immigrants seek help:

much of the mainstream system is not linguistically prepared to help them. Washington's 211-telephone hotline for housing services, for example, offers referral support in English and Spanish, but East Africans and Southeast Asians, who reflect a greater linguistic diversity, make up a large fraction of those in need of housing assistance.¹³⁷

¹³⁰ The needs of homeless immigrant communities are not being met: "Communities need linguistically and culturally and culturally competent workers in community-based organizations that have legitimacy within an immigrant community." Melissa Martin, *Helping New Immigrants to Access Housing Resources: What Providers Should Know*, HOMELESS RES. CTR. (2009), <http://homeless.samhsa.gov/resource/helping-new-immigrants-to-access-housing-resources-what-providers-should-know-47254.aspx>. However, there is a shortage of qualified individuals with the necessary language skills to help immigrants navigate the system. Interview with Robinson, *supra* note 89. Additionally, shelters need to have more culturally competent employees to better understand the needs of different immigrant groups. Interview with Munoz, *supra* note 34.

¹³¹ The needs of homeless immigrant communities are not being met. "Communities need linguistically and culturally and culturally competent workers in community-based organizations that have legitimacy within an immigrant community." Melissa Martin, *Helping New Immigrants to Access Housing Resources: What Providers Should Know*, HOMELESS RES. CTR. (2009), <http://homeless.samhsa.gov/resource/helping-new-immigrants-to-access-housing-resources-what-providers-should-know-47254.aspx>. However, there is a shortage of qualified individuals with the necessary language skills to help immigrants navigate the system. Interview with Robinson, *supra* note 89. Additionally, shelters need to have more culturally competent employees to better understand the needs of different immigrant groups. Interview with Munoz, *supra* note 34. Interview with Mace, *supra* note 4 (discussing certain barriers to accessing shelter); *see also* Interview with Robinson, *supra* note 89 (same); Interview with Solomon, *supra* note 58 (same).

¹³² Interview with Mace, *supra* note 4 (discussing certain barriers to accessing shelter); *see also* Interview with Robinson, *supra* note 89 (same); *see also* Interview with Solomon, *supra* note 58 (same).

¹³³ Interview with Mace, *supra* note 4.

¹³⁴ *See generally* Betty Reid Mandell, *Homeless Shelters: A Feeble Response to Homelessness*, XI NEW POLITICS 3 (Summer 2007), available at <http://newpol.org/content/homeless-shelters-feeble-response-homelessness>.

¹³⁵ *Id.*; *see also* Reina et. al., *supra* note 128, at 606.

¹³⁶ Interview with Mace, *supra* note 4 (discussing certain barriers to accessing shelter); *see also* Interview with Okazaki, *supra* note 108 (same).

¹³⁷ Smith, *supra* note 31.

Unless they can communicate, homeless immigrants are unlikely to know of, let alone use, whatever services are available. They also can be hesitant to “interact with someone outside their own culture or to make use of services or facilities that do not exhibit some degree of racial or ethnic diversity. For some immigrants, not seeing someone ‘like themselves’ suggests that the facility, activity, or service is not for people like them.”¹³⁸

As another example, one woman who spoke limited English, sought help at a shelter but left because no staff person could communicate with her.¹³⁹ Nor was there an alternative shelter with bilingual capabilities for her.¹⁴⁰ As a result, the woman left disappointed and without any help, despite the best efforts of the shelter’s staff.¹⁴¹

This all-too-common scenario illustrates the critical need to have bilingual staff members. Service providers and government agencies do not currently have sufficient bilingual or multilingual staff at shelters.¹⁴²

ii. Doubling-Up

Immigrants often “double up, which impacts the accuracy and availability of data on homeless immigrants as well as access to shelters.”¹⁴³ Immigrants who are doubled-up are “sometimes referred to as the ‘hidden homeless,’” because when families are doubled up, they are not included in the annual Point in Time homeless count.¹⁴⁴ Hence, information on the size and characteristics of the “doubled up” population is not well known.¹⁴⁵

Immigrants who are “doubled up” also face barriers to accessing shelters if they lose their temporary housing. An immigrant who is doubled is technically housed and not actually living on the street or staying in a car; therefore, that individual may not appear to need access to a

¹³⁸ KRISTIN LENSEN CONSULTING, NEW PORTLANDERS SPEAK: RECOMMENDATIONS OF THE IMMIGRANT AND REFUGEE TASK FORCE 4 (Dec. 2007), available at <https://www.portlandoregon.gov/oni/article/448759>.

¹³⁹ Interview with Mace, *supra* note 4.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² Interview with Okazaki, *supra* note 108. Services in general need to be more bilingual or multilingual. See interview with Ichikawa, *supra* note 55. If there was at least one individual on staff that could speak her language, the woman from the example may have felt more comfortable to stay use the services provided. For example, in South King County, Seattle, Wash., more than 180 languages are spoken. Nimco Bulale, *Why It’s Important to Honor Home Languages in Schools*, THE SEATTLE GLOBALIST (Feb. 16, 2016), <http://www.seattleglobalist.com/2016/02/16/home-language-learning-ell-seattle-highline-schools/47462>. One solution would be to examine the demographics of the homeless immigrant and refugee population in the community, if there are available statistics, and hire individuals based on those languages spoken.

¹⁴³ However, there is little information “about the profiles of families who double-up.” HASKETT ET AL., *supra* note 30, at 94; see also Telephone Interview with Virginia Culbertson, Housing Case Manager for El Centro de la Raza (Sept. 20, 2015) (discussing tendency for immigrants to “double up”); see Interview with Munoz, *supra* note 34 (explaining that immigrant communities are often very tight-knit and many will stay with families or friends).

¹⁴⁴ *Id.*

¹⁴⁵ Part of this issue is not having representation in data collection. For example, Washington does not include immigrants who double up with family or friends in their One Night Count, resulting in an underreporting of this particular category of homeless immigrants. Smith, *supra* note, 31.

shelter.¹⁴⁶ Since someone who is doubled up does not fit the technical definition of “homeless”¹⁴⁷ that person may not be given priority at a shelter.¹⁴⁸ Because such an individual is technically housed—albeit temporary, cramped, and overall insufficient—she or he may not appear to need access to a shelter.¹⁴⁹ If temporary housing is taken away, the individual is instantly left without a roof and without other alternatives. This is problematic because it can take between two to twelve months to actually get into a shelter.¹⁵⁰

iii. Religion and Dietary Options

Shelters operated by churches may pose problems for some immigrants.¹⁵¹ Church shelters that require clients to participate in religious services to stay there and receive services can be inaccessible immigrants whose beliefs are different.¹⁵² Sometimes access to shelter, and in particular to services, requires those seeking access to convert.¹⁵³ Like many others who need help, immigrants who do not subscribe to the shelter’s particular religion, must choose between their faith and culture or having a place to stay for the evening.¹⁵⁴

Additionally, shelters that do not have appropriate dietary choices¹⁵⁵ or provide insufficient space to allow individuals to undress in private rather than in front of others can leave immigrants feeling uncomfortable or unsafe.¹⁵⁶ For example:

for Muslim women without a place to live, particularly those who have been battered or are immigrants, being homeless can test their faith [...] When Muslim women are sent to shelters that serve the general population, they are often

¹⁴⁶ *Id.*; see also National Coalition for the Homeless, *Homeless Families with Children*, NATIONAL COALITION FOR THE HOMELESS (July 2009), <http://www.nationalhomeless.org/factsheets/families.html> (noting that families who double-up are often “exempt from the federal definition of chronic homelessness, which states that a chronically homeless person is one who is on the streets or in a shelter. Therefore, many homeless families are [...] prevented from receiving assistance.”)

¹⁴⁷ When immigrant families decide to double up, instead of going straight to a shelter, “they are not eligible for the priority status that homeless families receive.” PRATT CENTER FOR COMMUNITY DEVELOPMENT WITH THE NEW YORK IMMIGRANT HOUSING COLLABORATIVE, *CONFRONTING THE HOUSING SQUEEZE: CHALLENGES FACING IMMIGRANT TENANTS, AND WHAT NEW YORK CAN DO* 34 (Fall 2008).

¹⁴⁸ Homeless immigrants are often not given priority for shelter because they will turn to their community and “couch surf” or stay with family and friends. Interview with Culbertson, *supra* note 143 (describing the temporary solution of doubling up with family or friends).

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ For example, for those who are Muslim, staying at Christian-based faith shelter may clash with their faith and culture. Farkhunda Ali, *Homeless Muslim Women Shelter: An Idea Born of Necessity*, MUSLIMAT AL-NISAA, <http://mnisaa.org/homeless-muslim-women-shelter-an-idea-born-of-necessity> (last accessed Mar. 31, 2016).

¹⁵² *Id.*

¹⁵³ Carey Fuller, *Homeless Shelter Systems and What They Don’t Tell You*, HUFFINGTON POST (Oct. 27, 2011), http://www.huffingtonpost.com/carey-fuller/homeless-shelter-parents_b_1035952.html.

¹⁵⁴ Jackie Spinner, *Muslim Women Who Become Homeless Have Limited Options*, THE WASH. POST (Dec. 29, 2007), http://www.washingtonpost.com/wp-dyn/content/article/2007/12/28/AR2007122802493_2.html.

¹⁵⁵ For example, providing meals that do not follow “Islamic dietary habits.” Ali, *supra* note 151.

¹⁵⁶ See generally Spinner, *supra* note 154.

exposed to lifestyles that challenge their faith, such as drinking, abusing drugs, eating pork and undressing or bathing in front of others.¹⁵⁷

These cultural needs and identities can place unique limitations on the type of services and shelters that homeless immigrants can access. It is vital to recognize these limitations to shelter access: (1) language; (2) doubling-up with family and friends; and (3) religious and dietary choices, are barriers that can be addressed.

B. Domestic Violence

Domestic violence is a strong predictor of homelessness for single, female-headed families.¹⁵⁸ Immigrant women are “particularly vulnerable to domestic violence because of their economic dependency on their batterer for legal status.”¹⁵⁹ Adding to this vulnerability is cultural stigmatization found in some immigrant communities that is often associated with women who leave their abusive partner, which prevents the survivor from seeking shelter services or help.¹⁶⁰

Immigrant women sometimes feel too ashamed to seek help and services or may not have access to services that could aid them in stable housing.¹⁶¹ For example, immigrant women who come from patriarchal cultures may find that they do not have community or family support or financial independence once they leave their abusive situation.¹⁶² In cultures that highly value “lineage, family integrity, and strict adherence to role obligation, [there is a real] risk of disgrace or losing face” if a woman tries to leave her abusive partner.¹⁶³ Often, “[f]amilies will not support a battered woman’s decision to leave, even if she has suffered serious injuries.”¹⁶⁴ As a result, immigrant women “often feel trapped in abusive relationships because of immigration laws, language barriers, social isolation, and lack of financial resources.”¹⁶⁵

Consequently, immigrant survivors’ social and familial networks “can be important in increasing [the] safety and stability [of victims of domestic violence].”¹⁶⁶ If an immigrant survivor leaves her abusive situation, without support from their family and community, she is less likely to find the necessary stability and resources to escape homelessness and domestic violence.

¹⁵⁷ *Id.*

¹⁵⁸ “Domestic violence is the third leading cause of homelessness for women and children.” LURIE & SCHUSTER, *supra* note 33, at 13.

¹⁵⁹ BERNICE R. KENNEDY, DOMESTIC VIOLENCE: A.K.A. INTIMATE PARTNER VIOLENCE 69 (2007).

¹⁶⁰ *See generally id.*

¹⁶¹ Reina et. al., *supra* note 128, at 607; *see also* Charlene K. Baker et. al., *Domestic Violence, Housing Instability, and Homelessness: A Review of Housing Policies and Program Practices for Meeting the Needs of Survivors*, 15 AGGRESSION AND VIOLENT BEHAVIOR 430 (2010).

¹⁶² Edna Erez & Carolyn Copps Harley, *Battered Immigrant Women and the Legal System: A Therapeutic Jurisprudence Perspective*, 42 W. CRIMINOLOGY REVIEW 155, 157 (2003).

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ COALITION FOR HOMELESSNESS INTERVENTION AND PREVENTION, *supra* note 127.

¹⁶⁶ SHEETAL RANA, ADDRESSING DOMESTIC VIOLENCE IN IMMIGRANT COMMUNITIES: CRITICAL ISSUES FOR CULTURALLY COMPETENT SERVICES (Feb. 2012), *available at* <http://fliphtml5.com/qkus/ryox/basic>.

Recommendations at a Glance

- **Providers should employ bilingual and multicultural staff members;**
- **Care providers should receive cultural awareness and sensitivity training;**
- **Service programs should be created and specifically tailored to focus on the needs of homeless immigrants and refugees;**
- **Social service sectors should dedicate more resources to further research and address the barriers perpetuating homelessness in the immigrant and refugee community.**

IV. Recommendations

Immigrants and refugees face a gauntlet of unique challenges that can predispose them to homelessness. Currently, the available services and programs fail to adequately address the challenges and barriers that homeless immigrants face. A paradigm shift is necessary. While more research is required to develop a comprehensive set of recommendations to address homelessness among immigrants, implementing the four recommendations set forth below could move the needle in a positive direction.

But a paradigm shift can occur. A comprehensive set of recommendations is beyond the scope of this brief, but four proposals could help to move the needle: (1) shelters and service providers should employ bilingual and multicultural staff members—based on demographics of the community—in order to help individuals who may not be fluent in English maintain access to the shelter or service programs provided; (2) care providers should receive cultural awareness and sensitivity training, (3) service programs should be created and specifically tailored to focus on the needs of homeless immigrants and refugees; and (4) social service sectors, both in Washington State and the federal government, should dedicate more resources to further research and address the barriers perpetuating homelessness in the immigrant and refugee community. These recommendations could help to prevent immigrants from becoming or remaining homeless.

A. Employ Multilingual and Multicultural Staff

Shelters and other service providers should employ bilingual and multicultural staff to increase accessibility to services for homeless immigrants who are not fluent in English. Since inability to communicate with shelter providers keeps immigrants from seeking help,¹⁶⁷ language training is necessary for case managers. Otherwise, homeless immigrants may be too intimidated or uncomfortable to seek help.¹⁶⁸ Service providers and shelters should research the likely

¹⁶⁷ *Id.*; see generally Telephone Interview with Mace, *supra* note 4; see also Reina et. al., *supra* note 128.

¹⁶⁸ See generally Reina et. al., *supra* note 128 (discussing how language barriers can prevent immigrant women who are suffering from domestic abuse, from reaching out and seeking help).

demographics of their immigrant communities and hire staff members or seek out volunteers who can, at minimum, communicate in the most prevalent languages.¹⁶⁹ For example, there are large pockets of Southeast Asians and Eastern Africans concentrated throughout the King County, Seattle area.¹⁷⁰ There should be staff members available to communicate with these populations.

B. Require Cultural Awareness and Sensitivity Training

It is imperative that staff members working in shelters and service providers receive cultural competency training to better serve the immigrant populations staying in homeless shelters. Cultural competency is defined as:

a set of values, behaviors, attitudes, and practices within a system, organization, program or among individuals and which enables them to work effectively cross culturally. Further, it refers to the ability to honor and respect the beliefs, language, interpersonal styles and behaviors of individuals and families receiving services, as well as staff who are providing such services.¹⁷¹

As with language training, staff needs cultural competence training targeted to the cultures of the immigrants in the surrounding community. Because statistics regarding homeless immigrants are hard to find, inferences can be made from local demographics. For example, Washington State is home to many immigrants from Southeast Asia and East Africa.¹⁷² Therefore, service providers in Washington should seek out members of those groups as staff, and train current staff in and the norms of those cultures to improve accessibility and service to immigrants from Southeast Asia and East Africa.¹⁷³

Service providers should also recognize that homeless immigrants may be suffering from the culture shock inherent in moving to a new country, in addition to the trauma of homelessness.¹⁷⁴ Where possible, shelter providers should facilitate connections between immigrants of similar backgrounds to help them contend with these dual traumas.¹⁷⁵ Requiring staff to become culturally competent helps to break down cultural barriers that isolate homeless immigrants. Additionally, providing safe and welcoming spaces helps to ease the many transitions immigrants face.

¹⁶⁹ Additionally, having more easily accessible ESL classes for immigrants and refugees would help to facilitate language access to jobs and other social services. If shelters have the capacity and availability, they should provide the opportunity for individuals to take ESL classes. Interview with Solomon, *supra* note 58.

¹⁷⁰ See Figure 1, *infra* at p. Appendix.

¹⁷¹ *Definition of Cultural Competence*, NAT'L CTR. FOR CULTURAL COMPETENCE, <http://www.ncccurrucula.info/culturalcompetence.html> (last accessed April 27, 2016).

¹⁷² Smith, *supra* note 31.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

C. Tailored Programs and Policies for Immigrant Populations

Services providers can help combat the marginalization and discrimination often faced by homeless immigrants by creating community programs and policies specifically geared towards homeless immigrants. One such solution are programs that focus on comprehensive “immigrant integration.”¹⁷⁶ Immigrant integration is defined as:

is a dynamic, two-way process in which newcomers and the receiving society work together to build secure, vibrant and cohesive communities. As an intentional effort, integration engages and transforms all community members, reaping shared benefits and creating a new whole that is greater than the sum of its parts.¹⁷⁷

For example, to better integrate marginalized immigrant communities, work centers were proposed in New Jersey, specifically geared towards hiring immigrants.¹⁷⁹ The work centers would be places of employment where “low-skilled” immigrant labors and others “can seek gainful employment...enabling the temporary labor market to function in a more equitable and effective way, and serve an important role in integrating immigrants into the life of a community.”¹⁸⁰ If there were more facilities like New Jersey’s successful work centers to provide technical job training, to help immigrants secure well paying, meaningful jobs and avoid homelessness.¹⁸¹

“Immigrants are often criticized for not trying harder to learn English and assimilate into American society, yet the truth is that those charges are utterly false. Immigrants want to move forward, to learn English, but the government resources available to them are just not sufficient.”¹⁷⁸

Another option is to create shelter spaces that take into account, and specifically target, the needs of immigrants that come from different cultures. For example, in the Washington-Baltimore area, “some Islamic leaders [have endeavored]...to raise money to establish more shelters that cater to the Islamic community.”¹⁸² These shelters arose out of the need to establish safe spaces for Muslim individuals who were uncomfortable staying in other faith-based oriented shelters.¹⁸³ Requiring staff to gain cultural awareness and sensitivity will also help homeless shelters bridge the gap between homeless immigrants and service providers.

¹⁷⁶ *Immigrant Integration In-depth*, ONE AM., <http://www.weareoneamerica.org/immigrant-integration-depth> (last accessed Mar. 30, 2016).

¹⁷⁷ *Id.*

¹⁷⁸ Martinez, *supra* note 77.

¹⁷⁹ NEW JERSEY ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, OVERCOMING THE BARRIERS FACED BY IMMIGRANTS: BRIEFING REPORT SEPTEMBER 2010 5 (Sept. 30, 2010), *available at* http://www.usccr.gov/pubs/09-30-10_NJSACRptonImmigration.pdf.

¹⁸⁰ *Id.*

¹⁸¹ ROBERT WOOD FOUNDATION, *supra* 14, at 4.

¹⁸² Spinner, *supra* note 154.

¹⁸³ *Id.*

Finally, shelters and service providers need to facilitate better access to ESL classes¹⁸⁴ and preparation for, as well as access to, the GED test in public schools, community centers, and shelters is needed. Because funds can be limited, a possible solution service providers is to reach out to local programs that teach ESL classes or community colleges to see if partnerships can be fostered in order to help offset costs.¹⁸⁶

“Here in America, you have to be able to speak the language they need (English). We need more classes so we can get more jobs.”¹⁸⁵

D. Further Research and Funding

Further research is necessary to better understand the underlying causes and barriers perpetuating homelessness in the immigrant and refugee community. Existing data is outdated and limited in scope. More comprehensive research on the intersectionalities of immigration and homelessness will likely point to more comprehensive solutions.

Conclusion

Immigrant populations are particularly vulnerable to homelessness. Moreover, given the lack of existing research on homeless immigrants, they remain generally invisible—both in terms of available data and the many barriers that keep them from accessing shelters and services. Policymakers and service providers should work to bring the plight of homeless immigrants to light, and help them find housing and employment, by conducting more comprehensive research on this underserved community, and, in the interim, by implementing the recommendations in this brief. Doing so may finally help to repair some of the broken dreams so many foreign-born men, women, and children face each day in the United States.

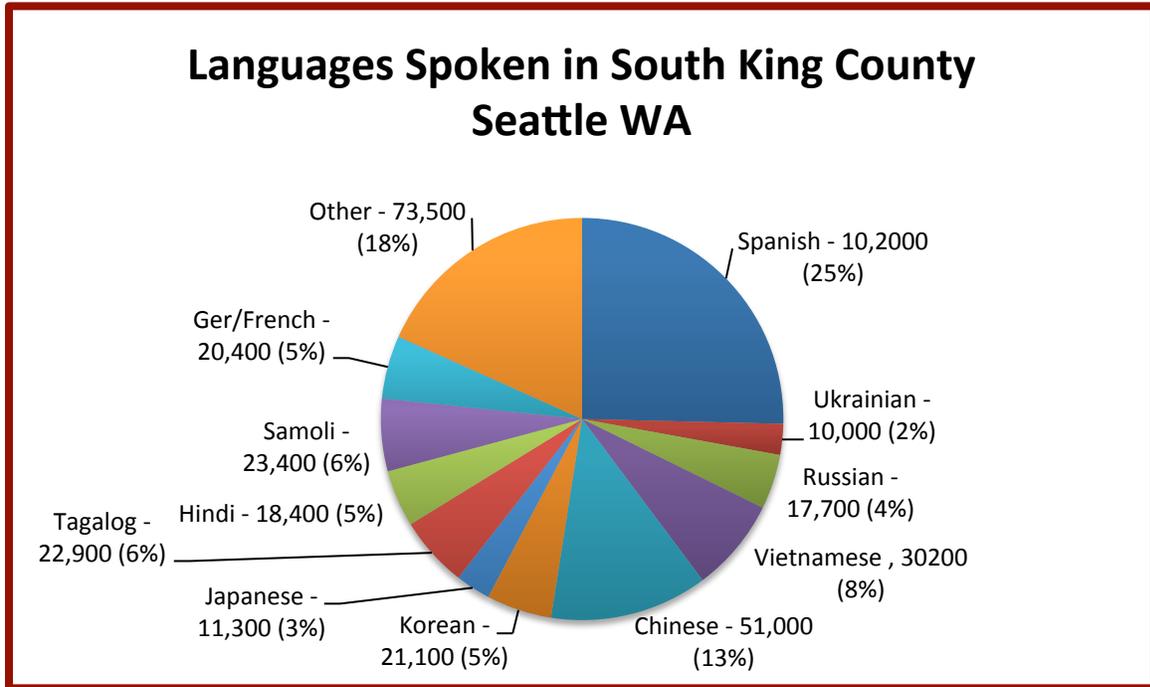
¹⁸⁴ Telephone interview with Hartman, *supra* note 34.

¹⁸⁵ Interview with Solomon, *supra* note 58.

¹⁸⁶ For example, local libraries, such the Seattle Public Library offer free ESL classes and ESL conversational groups. Further research should be undertaken to see the feasibility of making these classes more frequent and accessible. *Using the Library*, THE SEATTLE PUBLIC LIBRARY (Apr. 28, 2016), [http://www.spl.org/using-the-library/attend-events-and-classes/english-as-a-second-language-\(esl\)-programs](http://www.spl.org/using-the-library/attend-events-and-classes/english-as-a-second-language-(esl)-programs).

Appendix

Figure 1¹⁸⁷



¹⁸⁷ CHANDLER FELT, SOUTH KING COUNTY'S CHANGING DEMOGRAPHICS (Sept. 25, 2014), available at http://www.kingcounty.gov/~media/exec/PSB/documents/RLSJC/2014/September/South_King_County_Demographics_Presentation.ashx?la=en.

Table 1¹⁸⁸

Undocumented Immigrants Eligibility for Government Benefits

	Social Security	Public Benefits (i.e. Food Stamps, Housing, Medicaid)	Schooling (including free breakfast and lunch programs)	Emergency Care	Disaster Services
Adults	No ¹⁸⁹	Generally no ¹⁹⁰	Yes, in some states ¹⁹¹	Yes ¹⁹²	Yes ¹⁹³
Children	Depends ¹⁹⁴	Generally no ¹⁹⁵	Yes ¹⁹⁶	Yes ¹⁹⁷	Yes

¹⁸⁸ Unqualified immigrants are “all other immigrants, including undocumented immigrants, as well as many people who are lawfully present in the U.S., are considered “not qualified.” BRODER ET. AL., *supra* note 81. Qualified immigrants are “Lawful Permanent Residents (LPRs - people with green cards), refugees, people granted asylum or withholding of deportation/removal and conditional entrants, people granted parole by the U.S. Department of Homeland Security for a period of at least one year, Cuban and Haitian entrants, certain abused immigrants, their children, and/or their parents and certain survivors of trafficking.” *Id.*

¹⁸⁹ Undocumented immigrants are not eligible for social security benefits, despite paying an estimated \$15 billion a year and \$100 billion over the past decade for social security. Maria Santana, *5 Immigration Myths Debunked*, CNN MONEY (Nov. 20, 2014), <http://money.cnn.com/2014/11/20/news/economy/immigration-myths/>.

¹⁹⁰ Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), any undocumented immigrant “who was receiving assistance from programs for housing or community development assistance or financial assistance . . . on the date of the enactment of PRWORA (Aug. 22, 1996) is exempt from PRWORA’s eligibility restrictions.” MAGGIE MCCARTY & ALISON SISKIN, *supra* note 110.

¹⁹¹ “Eighteen states . . . allow teens without legal status to pay in-state tuition rates at public colleges and universities, provided they meet certain requirements. Students living in California, Texas, New Mexico, Minnesota and Washington are also eligible for state-based financial aid, according to the National Conference of State Legislatures.” Kelsey Sheehy, *How Immigrants Without Legal Status Can Pay for College*, U.S. NEWS & WORLD REPORT EDUCATION (Aug. 15, 2014), <http://www.usnews.com/education/best-colleges/paying-for-college/articles/2014/08/15/how-immigrants-without-legal-status-can-pay-for-college>.

¹⁹² Non-qualified (undocumented) immigrants are restricted from most federal public benefits. However, “the law includes important exceptions for certain types of services.” Regardless of their status, not-qualified immigrants are eligible for emergency Medicaid if they are otherwise eligible for their state’s Medicaid program. The law does not restrict access to public health programs that provide immunizations or treatment of communicable disease symptoms (whether or not those symptoms are caused by such a disease). School breakfast and lunch programs remain open to all children regardless of immigration status, and every state has opted to provide access to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Exceptions include assistance, such as emergency Medicaid.” BRODER ET. AL., *supra* note 81.

¹⁹³ Disaster services include assistance in providing “emergency shelter, food, water, first aid, clothing, and sometimes a small amount of cash to help with immediate expense.” NATIONAL IMMIGRATION LAW CENTER, IMMIGRANT ELIGIBILITY FOR DISASTER ASSISTANCE (June 2007), *available at* https://www.nilc.org/wpcontent/uploads/2015/11/disasterassist_immeligibility_2007-06.pdf.

¹⁹⁴ Under the Deferred Action for Childhood Arrivals program, some undocumented children may be eligible for a social security number and card. SOCIAL SECURITY ADMINISTRATION, SOCIAL SECURITY NUMBER AND CARD – DEFERRED ACTION FOR CHILDHOOD ARRIVALS, *available at* https://www.ssa.gov/pubs/deferred_action.pdf.

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