

## 15.0 IMMIGRATION ISSUES

### 15.1 Overview

Disasters pose unique risks to immigrants. Increased interaction with local and federal law enforcement agencies during disaster relief efforts place immigrants in precarious situations where seeking assistance may jeopardize their ability to remain in the country. Although the rules and eligibility guidelines of many disaster relief programs offer explicit protections for immigrants, it is reasonable for immigrants to be wary of the perceived and actual risks of accepting assistance, namely the possibility of detention and deportation. This chapter addresses common issues and questions noncitizens face in disaster situations regarding the exercise of their legal protections and rights.

### 15.2 List of Most Common Issues/Questions

#### **FEMA and Accessing Emergency Assistance:**

- Do I qualify for FEMA benefits? If so, how do I access FEMA benefits?
- Will accepting FEMA benefits affect my immigration status or my application to become a legal permanent resident? What are the consequences of sharing the identity of my family members and myself with FEMA or states agencies that distribute FEMA benefits?
- What if my initial application for FEMA benefits is denied?
- I am undocumented. Is it safe to seek assistance from emergency shelters, food banks, and other nonprofit organizations?

#### **Relating to Immigration Case:**

- What do I do if I missed an immigration court hearing or an appointment with an immigration official or a biometrics appointment? How do I know if my upcoming appointment or hearing will still take place?
- I have lost my identity and court documents. How can I get new documents?
- What are my options if the disaster has affected my ability to file necessary immigration documents by a set deadline?
- I have an ankle monitor that I must wear while my immigration case is pending, and I cannot leave my house. I cannot keep my ankle monitor charged. What do I do?
- I am temporarily displaced from my home or moved after the storm. How do I change my address with the court or agency in charge of my case?
- I have a loved one in an immigration detention center. How can I find out if she or he is safe?

#### **Other Questions:**

- I am a foreign student whose visa dependent on my enrollment, and the disaster has affected my ability to pay my studies. What are my options?
- Should I be scared of driving if I am undocumented?
- My wages were stolen. If I call the police, will I be deported?

### 15.3 Summary of the Law

#### *General*

Programs for immigrant disaster victims have different requirements and definitions regarding who may apply. Under [44 C.F.R. § 80.3\(g\)](#), a “qualified alien” for FEMA benefits is an individual who falls under one of the following categories:

- Legal permanent residents (green card holders),
- Applicants who have been granted asylum,
- Individuals who have been admitted as a refugee,
- Individuals who have been granted humanitarian parole for a period of one year,
- Individuals whose deportation have been withheld due to their status as a political refugee,
- Aliens granted conditional entry (per law in effect prior to April 1, 1980),
- Individuals who were a Cuban or Haitian entrant under the Refugee Education Assistance Act of 1980,
- Aliens in the U.S. who have been abused or subject to battery or to extreme cruelty by a spouse or other family/household member or have been a victim of a severe form of human trafficking with an approved *or pending* petition, or
- Aliens whose children have been abused and alien children whose parent has been abused who fit certain criteria with an approved *or pending* petition.

Individuals are not eligible for disaster benefits if they have—

- a nonimmigrant visa, such as work, student, or travel visa.
- temporary protected status (TPS), or
- deferred action for childhood arrivals (DACA);
- a pending asylum application (with a temporary Social Security number).

As a qualified alien, you may access disaster relief benefits such as cash assistance through FEMA. If you are an undocumented immigrant, access to these programs will not be available to you directly. However, you may apply on the behalf of a qualified minor child (either a qualified alien or U.S. citizen) in your household and thus also benefit from your child’s eligibility.

## ***Public Charge***

Regardless of how you apply for disaster relief benefits, it is important to be aware of restrictions that may affect your immigration status, namely the public charge law. A “public charge” is an individual who is likely to become “primarily dependent on the government for subsistence.” Any noncitizen receiving cash assistance should be aware of public charge law and any proposed changes. In general, disaster benefits are exempt from public charge determinations, but many immigrants may express concerns.

This is particularly relevant for immigrants eligible to become a lawful permanent resident (to obtain a “green card”) and for immigrants seeking to enter the United States on certain visas. Under section 212(a)(4) of the Immigration and Nationality Act (INA), noncitizens who are seeking to enter the U.S. or to become lawful permanent residents must show that, given all of their circumstances, they are not likely in the future to become a “public charge,” that is, to rely on government assistance programs, to get the requested benefit. The test for determining whether an immigrant’s situation falls under public charge involves factors such as an individual’s age, income, resources, family situation, and health.

Although it is rare, individuals may be placed in removal proceedings based on public charge if they become a public charge during the first five years after entering the U.S. and certain other conditions are met (the use of benefits created a legal debt, they had notice of the debt, and they refused to pay the debt). National Immigration Law Center, *Access to Health Care, Food, and Other Public Programs for Immigrant Families under the Trump Administration: Things to Keep in Mind When Talking with Immigrant Families*, <https://www.nilc.org/issues/health-care/exec-orders-and-access-to-public-programs/> (last revised April 2, 2018).

It is important to know that the public charge rule may change. As of September 2018, the Trump administration has indicated that it may propose regulations that would significantly widen the types of public assistance that would subject a noncitizen to the public charge rule. It is likely that noncash disaster relief assistance would continue to be exempt from the definition of public charge; however, the final proposed rule has not been published and may change. For up to date information on the status of public charge regulations, see <https://protectingimmigrantfamilies.org/resources/>.

## ***Tenant Rights***

Broadly speaking, rights of a tenant are based on the language of the lease and the Texas Property Code. For a more general discussion of tenant rights following a disaster, see chapters 4 and 5. In the aftermath of a disaster, undocumented tenants may face additional challenges when trying to enforce their renter rights or obtain new housing. As clear guidelines are not provided under federal and state law, it is advisable for undocumented disaster victims to consult a qualified immigration attorney on their specific circumstances if in such a situation.

As a general matter, the federal Fair Housing Act (FHA) prohibits a landlord from refusing to rent based on “race, color, religion, sex, familial status, or national origin.” Caselaw is not well settled, however, regarding the extent to which undocumented persons receive FHA protections.

*Compare Central Alabama Fair Housing Center v. Magee*, 835 F. Supp. 2d 1165, 1196 (M.D. Ala. 2011) (noting that “the FHA protects ‘any person,’ regardless of his immigration status), vacated as moot, 2013 WL 2372302 (11th Cir. May 17, 2013), with *De Reyes v. Waples Mobile Home Park Ltd. Partnership*, 251 F. Supp. 3d 1006, 1026 (E.D. Va. 2017) (“There is no question that state and federal law prohibit landlords from discriminating against tenants and prospective tenants on the basis of race or national origin; nor is there any doubt that the law forbids interfering with a contractual interest by discriminating on the basis of, among other things, citizenship or alienage. But the law does not prohibit defendants from refusing, for legitimate business reasons, to rent to, or to contract with, illegal aliens.”).

### ***Employee Rights***

Undocumented workers cannot qualify for regular unemployment compensation. But if an immigrant has a valid work permit, lost their job because of a disaster, and meet other requirements, they may qualify for regular unemployment compensation. To apply online, visit [www.twc.state.tx.us/jobseekers/unemployment-benefits-services](http://www.twc.state.tx.us/jobseekers/unemployment-benefits-services). See also chapter 6.

If an immigrant does not qualify for regular unemployment benefits, they may consider applying for Disaster Unemployment Assistance (DUA), which provides financial help to employed or self-employed workers in a federal disaster area whose employment is lost or interrupted due to a major disaster. DUA is available only to citizens, permanent residents, and people with a valid work permit. You can find more on DUA at [www.twc.state.tx.us/jobseekers/disaster-unemployment-assistance](http://www.twc.state.tx.us/jobseekers/disaster-unemployment-assistance).

### **15.4 Useful Websites and Contact Information**

- FEMA Helpline – 1-800-621-3363 (emergency assistance)
- Lawyer Referral Service – 1-877-9TEXBAR
- Texas RioGrande Legal Aid – 1-866-757-1570 ([www.trla.org](http://www.trla.org)) Check their website for areas they serve.
- Lone Star Legal Aid – 1-800-733-8394 ([www.lonestarlegalaid.org](http://www.lonestarlegalaid.org)) Check their website for areas they serve.
- Legal Aid of Northwest Texas – 1-888-529-5277 ([www.internet.lanet.org](http://www.internet.lanet.org)) Check their website for areas they serve.
- Houston Volunteer Lawyers – 1-713-228-0733 ([www.makejusticehappen.org](http://www.makejusticehappen.org))
- American Immigration Lawyers Association – [www.AILA.org](http://www.AILA.org)
- Houston Immigration Legal Services Collaborative ([www.houstonimmigration.org](http://www.houstonimmigration.org)); and their Immigrant Rights Hotline (Houston): 1-833-468-4664
- State Bar of Texas – 1-800-504-7030 ([www.texasbar.com/floodresponse](http://www.texasbar.com/floodresponse))

### **15.5 FAQs**

***Q. 15-1 Do I qualify for FEMA benefits? If so, how do I access FEMA benefits?***

You can apply for assistance after the President declares a disaster in your state and your county is named as a recipient for individual assistance. You can check <https://www.fema.gov/disasters> for updates on the status of your state or county. To access benefits, contact the FEMA Helpline at: 1-800-621-3362 (TTY: 1-800-462-7585) or for 711 or Video Relay Service call 1-800-621-3362. See also chapter 2.

## Eligibility

You can apply for FEMA assistance if you meet eligibility requirements of being a “noncitizen national” or a “qualified alien” and you meet the other FEMA eligibility requirements. Qualified aliens are:

- Legal permanent residents (green card holders),
- Applicants who have been granted asylum,
- Individuals who have been admitted as a refugee,
- Individuals who have been granted humanitarian parole for a period of one year,
- Individuals whose deportation have been withheld due to their status as a political refugee,
- Aliens granted conditional entry (per law in effect prior to April 1, 1980),
- Individuals who were a Cuban or Haitian entrant under the Refugee Education Assistance Act of 1980,
- Aliens in the U.S. who have been abused or subject to battery or to extreme cruelty by a spouse or other family/household member or have been a victim of a severe form of human trafficking with an approved *or pending* petition, or
- Aliens whose children have been abused and alien children whose parent has been abused who fit certain criteria with an approved *or pending* petition.

If you are an undocumented parent or guardian with a minor child, you can apply on behalf of an eligible minor child who lives in the household and was born in the U.S. The child’s name, age, and social security number are required for the application.

Only one applicant per household is required. The applicant must sign a sworn statement called a “Declaration and Release”

([https://www.disasterassistance.gov/sites/default/files/daip/Declaration\\_and\\_Release\\_FEMA\\_Form\\_009-0-3\\_\(Feb2021\).pdf](https://www.disasterassistance.gov/sites/default/files/daip/Declaration_and_Release_FEMA_Form_009-0-3_(Feb2021).pdf). This form expires in 2021.) stating that the applicant or eligible minor child is a qualified alien. The release authorizes FEMA to verify the immigration status of the applicant or minor child. If one household member is a minor child and eligible as a U.S. citizen or a qualified alien, all household members qualify for assistance regardless of the other household members’ immigration status. As of June 2016, FEMA’s news releases and policy state that FEMA will not collect or review the immigration status of other members of the applicant’s household aside from the minor child. FEMA, *FEMA Citizenship/Immigration Requirements*, <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements->

[1370032118159](#) (last updated Dec. 2, 2015); see also U.S. Citizens, ‘Qualified Aliens, Non-Citizen Nationals’ Should Register With FEMA for Disaster Help (June 20, 2016). However, there is no explicit update to this information after the inauguration of President Trump.

## **Noneligibility**

You are NOT eligible to receive FEMA assistance if you—

1. have only a nonimmigrant visa, such as work, student, or travel visa;
2. are receiving Temporary Protected Status (TPS); or
3. are receiving Deferred Action for Childhood Arrivals (DACA);
4. are undocumented and do not have a member of your household who is qualified to apply for benefits.

You are NOT eligible to receive FEMA *cash* assistance if—

1. no single household member is eligible, though your household can still receive non-cash assistance through state and local programs, such as emergency food and shelter, crisis counseling, disaster legal services, and other short-term emergency assistance; or
2. you are in the U.S. on a temporary tourist visa, student visa, work visa, or have a temporary resident card. Also, note that lawful presence in the U.S. and a Social Security number alone will NOT make you eligible for FEMA cash assistance. You must also meet all other FEMA eligibility requirements.

## **Required Documentation**

In order to apply for FEMA aid, you will need to provide your—

1. personal information: Social Security number, current and pre-disaster address, and your telephone number;
2. insurance and income information for your household;
3. a description of losses caused by the disaster; and
4. a bank routing and account number (if you want direct deposit into your bank account).

If you need immediate assistance during a natural disaster and are seeking more information about FEMA or other programs, you can go to a FEMA Disaster Recovery Center (DRC). You can search for a disaster recovery center here: <https://www.fema.gov/disaster-recovery-centers>. You can also text “DRC” and a zip code to 43363 to find your nearest DRC or call 1-800-621-3362 (TTY: 1-800-462-7585). For individuals who use 711 or Video Relay Service call 1-800-621-3362. Multilingual operators are available as well.

## **Cash Assistance**

FEMA cash assistance is available through the federal Assistance to Individuals and Households Program (IHP), which provides money for necessary expenses that cannot be met through other needs. Some needs include medical and dental expenses, moving and storage expenses, as well as childcare. The standard FEMA registration period is sixty days following the date that the President declares a disaster in your area. You can apply in person at a disaster recovery center or online at [www.disasterassistance.gov](http://www.disasterassistance.gov) or via the smartphone app at [www.fema.gov/mobile-app](http://www.fema.gov/mobile-app). Please remember to read the “public charge” section if you are seeking cash assistance.

### **Housing Assistance**

FEMA also provides housing assistance through IHP, such as rental assistance, temporary lodging reimbursement, and home repair/replacement assistance. For greater detail on FEMA in general, see chapter 2.

### **Unemployment Assistance**

Qualified aliens may apply for Disaster Unemployment Assistance (DUA) through FEMA. You must apply for this program within thirty days of the date of announcement of availability for DUA. You must also not have declined an offer of employment in a suitable position. For more information, see <https://www.fema.gov/media-library/assets/documents/24418>.

***Q. 15-2 Will accepting FEMA benefits affect my immigration status or my application to become a legal permanent resident? What are the consequences of sharing the identity of my family members and myself with FEMA or states agencies that distribute FEMA benefits?***

Under current US Citizenship and Immigration Services (USCIS) guidance, acceptance of emergency disaster relief is not considered public cash assistance that would cause you or your household members to become ineligible for lawful permanent residence (a green card) or to get a visa based on being a “public charge.” See <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet> (Last updated April 29, 2011).

As of August 14, 2018, there has not been any change to the “public charge” rules, however, there is speculation that the Trump administration will propose a rule broadening the types of public assistance that make one ineligible for certain immigration benefits on the ground of being a public charge. However, in a leaked proposal from March 2018, *noncash* disaster relief continues to be excluded from the “public charge.” However, it is unclear whether ancillary assistance, such as emergency food stamps would also be exempt. Further, this leaked proposed rule is not final and may change. For up to date information on the status of public charge regulations, see <https://protectingimmigrantfamilies.org/resources/>.

***Q. 15-3 I am undocumented. Is it safe to seek assistance from emergency shelters, food banks, or other nonprofit organizations?***

Local communities, the Red Cross, and other voluntary agencies manage most shelters. Most agencies will not give private information to government agencies. For instance, the Red Cross

does not ask individuals to show any form of identification in order to stay in their shelters. See [https://www.redcross.org/content/dam/redcross/atg/Chapters/Division\\_5\\_-\\_Media/South\\_Florida\\_/m71440178\\_Statement\\_on\\_Impartiality.pdf](https://www.redcross.org/content/dam/redcross/atg/Chapters/Division_5_-_Media/South_Florida_/m71440178_Statement_on_Impartiality.pdf). Similarly, many local food banks and other nonprofit run charities do not ask for identification or require a person to prove immigration status; though this may vary from agency to agency. Many agencies do ask for identification and proof of address, but they are generally collected for internal purposes only.

Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) enforcement of immigration laws in future disasters is subject to the political climate at the time. During Hurricane Harvey in 2017, ICE and CBP did NOT conduct routine immigration enforcement at evacuation sites, shelters, or food banks. But ICE did reserve the right to take action if confronted with a serious, criminal situations. In Houston, there were CBP vehicles stationed outside of some shelters, which made immigrants fearful of going to shelters, even though there were not enforcement activities going on.

If you need information about a particular shelter, food bank, or other voluntary agency, you may reach the Red Cross at 1-800-733-2767 or [redcross.org](http://redcross.org). You can also contact 2-1-1 for additional referral. If you have been denied access to emergency shelter due to status, fill out the form at <https://action.aclu.org/secure/texas-legal-intake>.

***Q. 15-4 Should I be scared of driving if I am undocumented?***

Driving without a license can lead to arrest, and for undocumented immigrants, it can also mean transfer to ICE custody, and potentially deportation. Additionally, under recent Texas legislation (Senate Bill 4)—local police are required to cooperate with federal immigration agents. Even so, you have the right to remain silent. If you are asked by police or immigration officers, you do not have to tell them your immigration status or country of origin.

During natural disasters, CBP and ICE are still charged with enforcing immigration laws, although agents may not be uniform in their enforcement. For instance, during Hurricane Harvey in 2017, CBP kept its checkpoints open despite Governor Abbott’s emphasis that the state prioritizes protecting individuals’ safety over enforcing immigration laws.

***Q. 15-5 I have a loved one in an immigration detention center. How can I find out if she or he is safe?***

ICE has a responsibility to keep individuals in its custody safe. ICE may transfer detainees from one facility to another, for their safety, during a storm. The fastest way to find someone in detention during a disaster is to call the detention facility. Be prepared to provide basic information such as name, alien registration number (“A number”), country of birth, and birthdate. You can check the ICE online detainee locator (for adults only) at <https://locator.ice.gov/>, but be aware that it is not updated in real time and may take days or weeks to be updated. You may also wish to call free immigration legal assistance organizations in your area, as they may know whether certain facilities are being evacuated during or in advance of a storm.

***Q. 15-6 What do I do if I missed an immigration court hearing or an appointment with an immigration official or a biometrics appointment? How do I know if my upcoming appointment or hearing will still take place?***

During a storm or other natural disaster, it may be dangerous or impossible to keep USCIS appointments or to attend immigration court hearings. In an emergency situation, these agencies may themselves have to shut down. You should not put your personal safety at risk during a storm or its aftermath. In the event you miss your court or agency appointment due to a natural disaster, you may be given a new hearing or appointment date.

**Immigration Court (Executive Office for Immigration Review (EOIR))**

The Executive Office for Immigration Review offers proceeding information, including hearing dates, immigration judge decisions, and more through an automated hotline: 1-800-898-7180. You will need your Alien Registration number (A number, a nine-digit number assigned to each case) in order to get information about your case.

During an emergency, however, the EOIR hotline may not be updated. In such situations, you can find the most up-to-date information about court closures at [https://twitter.com/DOJ\\_EOIR](https://twitter.com/DOJ_EOIR). If the court closes on the date you were set to have a hearing, your hearing date will automatically be rescheduled and you should receive a hearing notice by mail. For this reason, it is important to update the court with your most recent address if you have moved after the storm. (see [Q. 15-10](#) for information on how to update your mailing address with the court).

If the immigration court is open and you are unable to make your hearing date because it is not safe for you to do so (for instance, you are flooded in and cannot leave your home), you will be subject to a removal order. If you miss any immigration court hearing, you could be ordered removed. However, during a time of natural disaster or emergency, the court may be more flexible and reschedule your hearing. You may try to call the local immigration court and speak with your judge's clerk to let them know you are stranded; however, this may or may not be successful to avoid an order of deportation. If you are deported, you can reopen your case with evidence that you were unable to make it to the courthouse. Contact an immigration legal services nonprofit for assistance with a motion to reopen your case.

**U.S. Citizenship and Immigrant Services (USCIS)**

You can get information on USCIS office closures by calling the USCIS Support Center at: 1-800-375-5283 (TTY 800-767-1833) or online at <https://www.uscis.gov/news/alerts>.

If the USCIS office is closed on the date of your appointment, you will be rescheduled for a new date and time. A notice should be sent out to you by mail, so it is very important to update USCIS with your most recent address if you move after the storm. (See [Q. 15-10](#).)

If the USCIS office is open, but you are unable to attend your appointment due to a natural disaster or its aftermath, you should call USCIS Support Center at 1-800-375-5283 (TTY 800-767-1833) to let them know you will miss your appointment due to natural disaster. For more

information, visit <https://www.uscis.gov/news/alerts/immigration-help-available-those-affected-natural-disasters>.

If you missed your biometrics appointment or do not know if the biometrics office is open, you can call the USCIS Support Center for assistance: 1-800-375-5283 (TTY 800-767-1833).

### **Immigration and Customs Enforcement (ICE)**

If you missed a scheduled appointment or check-in with ICE, call 1-866-347-2423 or contact your case manager, if you have their direct contact information.

#### ***Q. 15-7 I have lost my documents. How can I obtain my documents?***

There are many types of important government documents, from identity documents to court paperwork. Different agencies are responsible for issuing originals and copies of documentation, both at the federal and state level. Below you will find information for obtaining documents from Texas, the U.S. federal government, foreign governments, U.S. Customs and Immigration Services (USCIS), and Immigration Court (Executive Office for Immigration Review (EOIR)).

### **U.S. Citizenship and Immigration Services (USCIS)**

USCIS will reissue certain documents at a cost. If you lost documents because of a storm and, due to that disaster, are unable to pay the form fees you may request a fee waiver (see below) along with the appropriate form. Common forms are downloadable from the USCIS website (see list below) or you can request that they be mailed to you by calling 1-800-870-3676. For more information, call USCIS Customer Support at 1-800-375-5283.

- Lawful Permanent Residence Card (“Green Card”). Form I-90: <https://www.uscis.gov/i-90>.
- Arrival/Departure Record I-94. Form I-102: <https://www.uscis.gov/i-102>.
- Employment Authorization. Form I-765: <https://www.uscis.gov/i-765-addresses>.
- Naturalization/Citizenship Certificate. Form N-565: <https://www.uscis.gov/n-565>.
- For a full list of available USCIS forms, visit <https://www.uscis.gov/forms>
- Fee Waiver. Form I-912: <https://www.uscis.gov/i-912>. Be sure to include evidence of the natural disaster’s effect on your loss of documentation.

To obtain a copy of your immigration record containing copies of applications you have submitted, you must submit a Freedom of Information Act (FOIA), in writing, to the USCIS National Records Center (address below) or by email to [uscis.foia@uscis.dhs.gov](mailto:uscis.foia@uscis.dhs.gov) or by fax to 802-288-1793 or 816-350-5785. For more information on what to include with your FOAI request, call the USCIS Support Center: 800-375-5283 (TTY 800-767-1833) or visit <https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/how-file-foiapa-request>.

U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

### **State of Texas–issued documents**

To obtain copies of Texas documents such as a birth certificate, marriage license, divorce decree, vehicle title, Texas driver's license or identity card, visit Texas Law Help for detailed instructions on how to request a new document:

- English: [www.texaslawhelp.org/article/replacing-lost-documents](http://www.texaslawhelp.org/article/replacing-lost-documents)
- Spanish: <https://texaslawhelp.org/es/article/sustitucion-de-documentos-perdidos>

### **Federal government–issued documents**

If you need to obtain copies of U.S. government documents such as passports, Social Security cards, Medicaid, IRS documents, income tax returns, military service records, and more, visit Texas Law Help for detailed instructions on how to request a new document:

- English: [www.texaslawhelp.org/article/replacing-lost-documents](http://www.texaslawhelp.org/article/replacing-lost-documents)
- Spanish: <https://texaslawhelp.org/es/article/sustitucion-de-documentos-perdidos>

### **Foreign government–issued documents**

If you lost foreign government-issued documents, contact your consulate.

*Important note:* If you are an asylum-seeker, contact an attorney. Do NOT contact your government. To hire a private attorney, you may contact the American Immigration Lawyers Association at [www.AILA lawyer.org](http://www.AILA lawyer.org). If you are in Houston, call the Immigrant Rights Hotline at 1-833-468-4664 to be connected with a local nonprofit organization that may be able to help.

### **Immigration Court Documents**

You are able to obtain copies of immigration court documents in two ways: submit a Freedom of Information Act (FOIA) request or go to the immigration court where your case is pending.

In order to obtain the most complete copy of your immigration court case, you will need to submit a FOIA request, which may take anywhere from three months up to a year to receive. For details on how to submit a FOIA request to the immigration court, please visit: <https://www.justice.gov/eoir/foia-facts>.

You may also view your file at the immigration court where your case is being heard; however, you may be able to make only a limited number of copies. To view your file, you must go to the immigration court where your case is being heard and fill out a request to view your file. You

may not be allowed to see the file the same day, and may be called on a later date to view the file (dependent on the court's policies). When you view the file, you are not permitted to take it with you and you will not be able to make a copy of the entire record. You can find a list of immigration courts at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

***Q. 15-8 What are my options if the disaster has affected my ability to file necessary immigration documents by a set deadline?***

First, you should promptly consult with a nonprofit legal services provider or a private immigration attorney.

If you are seeking a benefit before USCIS and you have fallen out of status due to a natural disaster, USCIS may choose to consider either a request for an extension or change in status due to the disaster if “you show how [the request] is directly connected to the disaster.” USCIS, *Humanitarian – Special Situations*, <https://www.uscis.gov/humanitarian/special-situations> (last updated Oct. 10, 2017). Per USCIS, “Failure to apply for the extension or change before expiration of your authorized period of admission may be excused if the delay was due to extraordinary circumstances beyond your control.” If you have failed to appear for a scheduled interview or not timely submitted evidence in response to a notice or request, “you may show how the disrupting event affected your connection to USCIS and your ability to appear or submit documents as required.”

***Q. 15-9 What if my initial application for FEMA benefits is denied?***

Erroneous denials based on immigration status is common. If you are denied, you may reapply. Local legal aid service providers may be able to assist you with your appeal.

- Texas RioGrande Legal Aid – 1-866-757-1570 ([www.trla.org](http://www.trla.org)) Check their website for areas they serve.
- Lone Star Legal Aid – 1-800-733-8394 ([www.lonestarlegalaid.org](http://www.lonestarlegalaid.org)) Check their website for areas they serve.
- Legal Aid of Northwest Texas – 1-888-529-5277 ([www.internet.lanet.org](http://www.internet.lanet.org)) Check their website for areas they serve.
- Houston Volunteer Lawyers – 1-713-228-0733 ([www.makejusticehappen.org](http://www.makejusticehappen.org))

***Q. 15-10 I have moved or I am temporarily displaced from my home. How do I change my address?***

Depending on what type of immigration case you have, you may need to submit your change of address to one or several agencies, including U.S. Citizenship and Immigration Services (USCIS), Immigration Court (Executive Office for Immigration Review, EOIR), the Board of Immigration Appeals (BIA), and Immigration and Customs Enforcement (ICE).

**U.S. Citizenship and Immigration Services**

If you have a pending application with USCIS, you must notify your immigration attorney if you are represented. You can update your address with USCIS by completing Form AR-11 and sending it by mail or online if you qualify. See <https://egov.uscis.gov/coa/displayCOAForm.do>. You can also call USCIS at 1-888-375-5283 (TTY: 1-800-767-1833).

### **Immigration Court (Executive office for Immigration Review)**

If your case is before the immigration court, you must submit a Form EOIR 33, Alien's Change of Address Form/Immigration Court, to the specific court where your immigration case is being heard. If you have an attorney, the attorney should help you file a change of address form. To send a change of address form, print the form for the immigration court where your case is being heard, visit <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>. Complete it and mail it to the address on the form. You must make a copy of the form and send it to the ICE Office of Chief Counsel; find the office nearest you at: <https://www.ice.gov/contact/legal>. It is advisable to keep a copy for yourself. <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>. Complete it and mail it to the address on the form. It is advisable to keep a copy for yourself.

If you have moved to a different jurisdiction, you will need to file a motion to change venue so that you can go to the court nearest you. Otherwise, you will have to report to the court where you were previously living. Remember: if you miss any immigration court hearing, you will be ordered removed. If you missed a court hearing because of a natural disaster, see [Q. 15-6](#).

### **Board of Immigration Appeals**

If you have an appeal pending with the Board of Immigration Appeals, notify your attorney. You must complete and file Form EOIR 33/BIA in person or by mail in the immigration court where your appeal is pending. No online change of address is available for the BIA. You can get Form EOIR 33/BIA from the Department of Justice website at <https://www.justice.gov/sites/default/files/pages/attachments/2015/07/24/eoir33bia.pdf>.

### **Immigration and Customs Enforcement**

To change your address with Immigration and Customs Enforcement (ICE), you can call 1-866-347-2423 (TTY: 1-800-767-1833).

#### ***Q. 15-11 I am a foreign student whose visa is dependent on my enrollment, and the disaster has affected my ability to pay my studies. What are my options?***

Unfortunately, you do not qualify for FEMA cash assistance. However, you might qualify for a Student Employment Authorization. If a disaster has affected your ability to support yourself, you may need to work off-campus. The disaster may occur in the U.S. and prevent you from working on-campus or the disaster may occur overseas and affect your economic support. If you can show that you are from an affected country and the Designated School Official (DSO) has recommended you for employment, you may be eligible to file Form I-765, Application for Employment Authorization. See <https://www.uscis.gov/humanitarian/special-situations>.

***Q. 15-12 I have an ankle monitor, and I cannot leave my address. I cannot keep my ankle monitor charged. What do I do?***

First, call your docket officer or case manager. When you call, state your name and A-number to check in to make sure you are not receiving a violation. If you do not receive a response initially, make sure to leave a voicemail and check in daily. If you have an attorney, call them and let them know of the situation.

Second, go to the nearest ICE Field Office or ISAP/BI-Incorporated offices, report what happened, and get new equipment. If you cannot go because of transportation issues or flooding, then wait and be sure that you reported and recorded the issue via telephone. Then, go to one of the offices listed at this link: <https://www.ice.gov/contact/ero>.

***Q. 15-13 My wages were stolen. How can I recover my wages if I am undocumented? If I call the police, will I be deported?***

All workers, regardless of their immigration status, have rights under both state and federal law, and most of these protections are enforced without regard to immigration status. See generally <https://texaslawhelp.org/article/employment-rights-undocumented-workers>. However, we recommend you consult with a legal aid organization, worker center, or a private attorney before contacting any government body.

Some worker centers across the state are:

- **Equal Justice Center** with offices in Austin, Dallas, San Antonio, and Houston: <http://www.equaljusticecenter.org/>
- **Workers Defense Project** has offices in Austin, Dallas, and Houston: <http://www.workersdefense.org/>
- **Fe y Justicia Worker Center** is based in Houston: <http://houstonworkers.org/>
- **Fuerza Del Valle** operates in the Rio Grande Valley: <http://fuerzadelvalle.org/>

You are able to report stolen wages without calling the police. The Texas Payday Law, administered by the Texas Workforce Commission (TWC) protects both documented and undocumented workers whose wages are stolen by their employers. To file a claim for stolen wages, you must file your claim within 180 days after the wages were due. For more information and to access forms for filing a claim, go to <http://www.twc.state.tx.us/jobseekers/texas-payday-law#howToClaimUnpaidWages>.

Undocumented persons should be aware that calling the police carries risks under recent Texas legislation, Senate Bill 4. Police officers are allowed—though not required—to ask about immigration status if you are arrested or lawfully detained for any reason, and Texas law enforcement is now required to cooperate with federal immigration agents. However, you have the right to remain silent and do not have to disclose your immigration status or place of birth to law enforcement officials.

\*\*\*(FEMA has a Q&A for Undocumented Immigrants regarding FEMA Assistance that can be incorporated or referred to in this section at <https://www.fema.gov/news-release/2004/06/17/questions-and-answers-undocumented-immigrants-regarding-fema-assistance>)