

Immigrants and Emergency Assistance Shelter

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What is Emergency Assistance (EA) Shelter?

Emergency Assistance (EA) is a program that provides emergency shelter and rehousing services to certain homeless families with **at least one child**. The program is run by the Department of Housing and Community Development (DHCD). More information on the many eligibility criteria for EA can be found at <https://www.masslegalhelp.org/income-benefits/emergency-assistance-shelter>.

What immigration status is required to access EA shelter?

The regulation that applies is 760 CMR 67.02(7): *EA may be provided to or on behalf of an EA household member who is a **citizen** in accordance with 106 CMR 203.670: Citizens, an **American Indian** in accordance with 106 CMR 203.685: American Indian Born in Canada, a **noncitizen in accordance with 106 CMR 203.675: Noncitizens, or a noncitizen lawfully admitted for permanent residence or otherwise permanently residing under color of law in the U.S.** A household consisting only of noncitizens neither described in 106 CMR 203.675: Noncitizens, nor admitted for permanent residence, nor residing under color of law in the U.S. is ineligible for Emergency Assistance benefits.*

Key Points:

- The following individuals have eligible immigration status for EA Shelter purposes:
 - Citizens
 - Noncitizens as defined by 106 CMR 203.675
 - Veterans, LPRs, asylees, refugees, withholding of deportation noncitizen, parolee, conditional entrant, battered nonimmigrant, Cuban/Haitian Entrant, Amerasian, victim of severe forms of trafficking.
 - Permanently Residing under Color of Law (PRUCOL)
 - Includes individuals with TPS, deferred action, asylum applicants, approved immediate relative petitions, indefinite stays of deportations, indefinite voluntary departures, and/or who are under an order of supervision.

- **Only one person in the household must have an eligible immigration status.** 760 CMR 67.02(7).
 - *Ex: Mother and one child are undocumented, but her youngest child is a legal permanent resident. The household has eligible immigration status for EA shelter.*

- **For EA shelter purposes, a household consists of at least one child, parents, stepparent of caretaker relatives, legal guardian, and siblings (including half-siblings and step-siblings) of the child.** 760 CMR 67.02(1)(a).
 - *Ex: A family consists of a child, her mother, her stepfather, and her stepsister. The stepsister is a citizen. The family has eligible immigration status for EA shelter.*

- **A family can be placed in shelter while it gathers documentation to show an eligible immigration status.** HSN 2012-08.
 - If a family gives DHCD information that would make them eligible for shelter, and proves identity and relationship between the family members, they should be “presumptively placed” and given an additional 30 days to gather other proof of their eligibility. This includes documentation of their immigration status. 760 CMR 67.06(1)(c).
 - Housing Stabilization Notice (HSN) 2012-08 explicitly states that the presumptive eligibility rule applies in these circumstances and gives a list of possible documents to prove eligible immigration status. It can be found at <https://www.mass.gov/files/documents/2016/07/tf/hsn201208.pdf>.