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Summary Chart: Immigration Restrictions in Rental Assistance Programs

The immigration restrictions under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) only allow “qualified” individuals to have unrestricted access to rental assistance programs.¹ However, PRWORA coverage varies program to program,² and there are important exceptions that allow undocumented and other non-qualified individuals to access programs covered by PRWORA. Below is a table outlining various programs that can be used to provide rental assistance and the ability for undocumented immigrants to access these programs. State and local governments cannot create their own immigration restrictions with these funds. For a more in-depth explanation of these exceptions under PRWORA, please see NHLP’s Memo [Immigration Requirements: Other Assistance Programs for Housing and Homelessness \(ESG, CDBG, HOME, FEMA\)](#). If you have additional questions about the immigration restrictions under these programs, please contact Kate Walz at kwalz@nhlp.org.

Funding Source	Rental Assistance to Undocumented Individuals Allowed?
Emergency Solutions Grants (ESG)	If administered by a nonprofit charitable organization (including a subgrantee).
Community Development Block Grants (CDBG)	Yes. This program does not have any specific immigration restrictions.
Coronavirus Relief Fund (CRF) ³	Yes. These funds do not have any specific immigration restrictions.
HOME Investment Partnerships Program (HOME)	If administered by a nonprofit charitable organization (including a subgrantee).
Federal Emergency Management Agency (FEMA)	If administered by a nonprofit charitable organization (including a subgrantee).

¹ 8 U.S.C. §§ 1611(a), 1641(b). Under PRWORA, qualified status includes: Legal Permanent Residents; Refugees; Asylees; Aliens paroled into the U.S. for a period of at least one year; individuals whose deportation is being withheld on the basis of prospective persecution; Individuals granted conditional entry pursuant to INA § 203(a)(7) as in effect prior to April 1, 1980; and Cuban/Haitian entrants (as defined by P.L. 96-422).

² Attorney General Order No. 2353-2001, 66 Fed. Reg. 3616 (Jan. 16, 2001). [Attorney General Order No. 2353-2001](#) clarifies that it is the agency that administers a given program’s duty to determine whether a specific program is covered by PRWORA: “Service providers and other interested parties should refer to benefit-granting agencies’ interpretations of the term “federal public benefit” as used in the Act in order to determine whether their program is a federal public benefit and therefore subject to the alienage restrictions of the Act.” In a [2016 joint letter from DOJ, HHS, and HUD](#), the agencies reaffirmed that Attorney General Order No. 2353-2001 is still in effect. Therefore, if an agency has not issued guidance on the applicability of PRWORA to a given program, it is our position that the program does not have any specific immigration requirements.

³ Passed on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) established the \$150 billion Coronavirus Relief Fund (“CRF”) to aid state, local, and tribal governments during the COVID-19 pandemic. On December 27, 2020 President Trump signed the COVID relief package passed by Congress, which made available an additional \$25 billion in CRF dollars and extended the deadline for the distribution of the March 2020 relief funds until December 31, 2021.