

Questions and Answers Regarding Housing Assistance for Refugees and Parolees Office of Public and Indian Housing (PIH)

1. How will PHAs verify citizenship for a family with members who are refugees or parolees? What types of documentation are PHAs allowed to accept?

PHAs must continue to use the U.S. Citizenship and Immigration Services' Systematic Alien Verification for Entitlements ([SAVE](#)) system to verify applicant immigration status for any program that falls under Section 214, including the Public Housing and HCV programs. PHAs may have applicants who present documents that are unfamiliar when there are new immigration statuses. Consult the SAVE system to determine whether those documents are adequate proof of status. In particular, SAVE users may find this document to be helpful: [Afghan Arrival Categories, Documentation, and SAVE Responses Fact Sheet](#), which serves as a stand-alone resource and an aid to train SAVE users regarding Afghan arrival categories.

PHAs should refer to HUD's guidance on the list of qualifying immigration statuses and contact their local HUD office for clarification as necessary.

2. Can PHAs establish a preference for refugees and/or parolees?

Yes, PHAs may establish a preference for refugees and parolees as long as they do not create preferences based on national origin since it is a protected class under the Fair Housing Act and Title VI of the Civil Rights Act of 1964. PHAs may not set a preference for one specific immigration status that only applies to refugees or parolees from a particular country. PHAs may, however, establish a preference for one or more immigration statuses that are not based on national origin if the preferences are applied equally to all of those who meet the immigration status and the status is not limited to or primarily comprised of persons of a particular national origin. **For example**, PHAs can establish a preference for applicants who are refugees or parolees, as long as applicants from any country who meet those statuses qualify for the preference and the status is not limited to or primarily comprised of persons of a particular national origin.

For the Public Housing program, PHA selection preferences are described in the Admissions and Continued Occupancy Policy (ACOP). For the HCV Program, preferences are described in the HCV Administrative Plan. Any system of local preferences must be consistent with the PHA's ACOP or Annual Plan and must be based on local housing needs and priorities, as determined by the PHA.

If a PHA wishes to change the current preference system in place, they are required at a minimum to update the ACOP or Administrative Plan; and publicize and post copies of any newly adopted and implemented tenant selection policies. Changes to the preference system must also conform to the Consolidated Plan for the PHA's jurisdiction and the PHA may also be required to update the PHA Annual Plan based on whether or not the changes to the current preference system constitute a "significant amendment" to or "substantial deviation" from the PHA Plan. If the change to a PHA's preference system is considered a significant amendment, the PHA is subject to requirements for consultation and period for public comment under the PHA Plan.

As a reminder, preferences are only used to establish the order of applicants on the waiting list. Preferences do not impact eligibility for applicants who are otherwise ineligible, nor do preferences change the right of a PHA to adopt and enforce tenant screening criteria. PHAs must explain each preference to applicants and provide them with the opportunity to claim a preference prior to application submission. PHAs may limit the number of applicants that may qualify for any local preference.

3. Are refugees and parolees considered homeless?

It depends. PHAs have discretion to adopt a homeless preference and define what the term “homeless” means in their ACOP or Administrative Plan. Some refugees or parolees may meet the PHA’s definition of homeless. PHAs may also consider modifying their definition of homeless to include scenarios that would apply to many refugees and parolees. However, since national origin is a protected class under the Fair Housing Act, PHAs may not set different policies that only apply to applicants from certain countries. In other words, a PHA may amend its homeless definition but must do so across the board so as not to discriminate against any protected group. For example, a PHA may currently have a preference for individuals or families who will imminently lose their primary nighttime residence. However, this definition may not account for refugees or parolees living in supervised publicly- or privately-operated shelters (e.g., temporary housing established by a faith-based organization), or other scenarios that may be typical in the community. As a result, a PHA may decide to expand their preference system, to include persons an individual or family living in a supervised publicly- or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals).

4. Can a PHA adjust the current occupancy standards, e.g., 2 persons per bedroom, to accommodate larger families?

For Public Housing: HUD does not prescribe specific public housing unit occupancy standards. PHAs set public housing occupancy standards locally in their ACOPs. However, when determining these policies, PHAs must comply with fair housing requirements and may need to comply with specific state or local laws regarding occupancy standards (e.g., a local law allowing a maximum of two persons per sleeping space). Since national origin is a protected class under the Fair Housing Act, PHAs may not set a different policy for occupancy standards that only applies to applicants from Afghanistan. In other words, a PHA may amend existing occupancy limits but must do so across the board so as not to discriminate against any protected group. For more information, please see the Public Housing Occupancy Guidebook Chapter on [Transfers](#) and HUD’s Fair Housing OAW FAQs [insert link].

For HCV: PHAs must ensure that the rented unit meets Housing Quality Standards space requirements listed at 24 CFR 982.401 (d)(2). As a reminder, families participating in the HCV program do not need to rent a unit that is the same size as their voucher.

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maximum of two persons per sleeping space). Since national origin is a protected class under the Fair Housing Act, PHAs may not set different subsidy standards or occupancy policies that only apply to applicants from Afghanistan. For more information, please see [HUD's Fair Housing OAW FAQs](#).

5. If our PHA requires credit checks at admission, can we make an exception for refugees and/or parolees?

Yes. A PHA that requires credit checks for admission may set a policy in their ACOP or Administrative Plan to forgo the credit check requirement for refugees and/or parolees, as long as applicants from any country who meet those statuses qualify for the exception and the status is not limited to or primarily comprised of persons of a particular national origin.

As a general reminder, HUD does not mandate or prescribe the use of credit screening for determining eligibility for the Public Housing or Housing Choice Voucher programs. PHAs, property managers and landlords may forgo credit checks for any potential residents if they do not discriminate because of a protected characteristic under the Fair Housing Act, which prohibits discrimination in housing-related transactions on the basis of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability. See [HUD's Fair Housing OAW FAQs](#) for more information.

6. What are the PHA's obligations when helping people with limited English proficiency (LEP)?

Under Title VI of the Civil Rights Act of 1964, PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by limited English proficient (LEP) persons. As applicable, PHAs are to ensure that translation services are available to Afghan evacuees. Please see HUD's [Limited English Proficiency](#) web page for more information.

Questions & Answers on Operation Allies Welcome

1. What is Operation Allies Welcome (OAW) and what obligations do PHAs have under OAW?

Operation Allies Welcome is the coordinated effort across the federal government to support and resettle vulnerable Afghans, including those who worked on behalf of the United States. You can learn more about OAW [here](#). While PHAs do not have a specific obligation under OAW, HUD encourages PHAs to identify how they can support resettlement of Afghan refugees and parolees to the greatest extent possible. Toward that end, HUD is providing guidance to clarify the eligibility for subsidized housing for these families.

2. Are Afghan refugees and parolees eligible for housing assistance?

There are special rules that limit which groups of non-citizens may access assisted housing under the U.S. Housing Act of 1937 (1937 Act). Section 214 of the Housing and Community Development Act of 1980 (Section 214) (42 U.S.C. 1436a) places limits on which groups of non-citizens may access HUD programs such as Public Housing and Section 8 Housing Choice Vouchers (HCV).

Typically, PHAs consult PIH Program Guidebooks for information about which immigration statuses allow non-citizens to qualify for HUD-subsidized housing. However, people who have evacuated from Afghanistan may have immigration statuses that are not listed in the Guidebooks as qualifying statuses for the purpose of getting assisted housing. However, many Afghan refugees do have qualifying immigration statuses. Congress has directed¹ that people with the following immigration statuses should also be treated as qualifying for subsidized housing (based on immigration status—all applicants must still meet other qualifying criteria):

- 1) Special Lawful Permanent Residents admitted pursuant to the Afghan Allies Protection Act of 2009 (as amended) (8 U.S.C. 1101 note (b)(8))
- 2) Special immigrant Conditional Permanent Residents admitted pursuant to the Afghan Allies Protection Act of 2009 (as amended) (8 U.S.C. 1101 note (b)(8))
- 3) Special Immigrant (SI) parolees admitted as part of Operation Allies Welcome (OAW) or Operation Allies Refuge (OAR)
- 4) Non-Special Immigrant parolees (often referred to as “humanitarian parole” or “OAR parole”) who are Afghan nationals and have the following status (8 U.S.C. 1101 note (a)(1):
 - a) paroled into the United States between July 31, 2021, and September 30, 2022 (and not terminated by the Secretary of Homeland Security); OR
 - b) paroled into the U.S. after September 30, 2022 (and not terminated by the Secretary of Homeland Security), and
 - i. is the spouse or child of an individual paroled into the U.S. between July 31, 2021, and September 30, 2022; OR

¹ See Afghan Allies Protection Act of 2009, section 602(b)(8); Afghanistan Supplemental Appropriations Act, 2022, Pub. L. No. 117-43 § 2502, 135 Stat. 377 (8 U.S.C. § 1101 note).

- ii. is the parent or legal guardian of an unaccompanied child who was paroled into the United States between July 31, 2021, and September 30, 2022.

A list of eligible immigration statuses for assisted housing under the 1937 Act may be found in section 7 of the [Housing Choice Voucher Program Guidebook](#). Although the guidebook does not apply to the public housing program, the list of eligible immigration statuses may be relied on with respect to the public housing program because both programs are subject to section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).

3. What resettlement services and supports have been/will be provided to Afghan refugees and parolees?

Through the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR) and the U.S. Department of State's Bureau of Population, Refugees, and Migration PRM funding, state governments, resettlement agencies, and other nonprofit community-based organizations are assisting eligible Afghan nationals to apply for and access these federal benefits and resettlement services. Additional information on Afghan Assistance Resources can be found on ORR's [website](#). For questions regarding these resettlement benefits and services, please contact your [State Refugee Coordinator](#).

4. Is the assistance that Afghan evacuees receive excluded from income?

Afghan evacuees may receive lump sum or direct cash assistance from various agencies and organizations as they are resettling in the community. A lump sum addition to a family's assets is excluded under 24 CFR 5.609(c)(3). Organizations and agencies assisting refugees may provide direct cash assistance for the first 30 to 90 days as families try to find housing in the community. Assistance during this period may be excluded under 24 CFR 5.609(c)(9) as temporary income. If Afghan evacuees receive public benefits such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or Supplemental Nutrition Assistance Program (SNAP) benefits, the PHA would apply existing rules and policy for the receipt of such benefits, e.g., SSI is included as income (24 CFR 5.609(b)(4)). If PHAs have questions about specific sources of income beyond the initial temporary assistance for Afghan families and public benefits for which HUD has existing rules and policies, please contact your HUD PIH field office representative.

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While this document provides general guidance on the Fair Housing Act and other civil rights requirements relevant to the questions and answers above, for any additional guidance, landlords and property managers should consult their own counsel.