

5102 CITIZEN OR ELIGIBLE IMMIGRATION STATUS

- 5102.1 In order to be determined eligible for the HCVP, HUD requires each Family member to affirm, via a written declaration, whether the individual is a United States (U.S.) citizen, U.S. national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status.
- 5102.2 Those that elect not to declare their status are considered to be ineligible noncitizens.
- 5102.3 For U.S. citizens, U.S. nationals, and eligible noncitizens the declaration shall be signed personally by the Head of Household, Spouse, and any other Family member eighteen (18) years of age or older, and by a parent or guardian for minors. The Family shall identify in writing any Family members who elect not to contend immigration status.
- 5102.4 No declaration is required for live-in aides, foster children, or adult wards.
- 5102.5 Family members who declare U.S. citizenship or U.S. national status shall be required to provide documentation for verification purposes.
- 5102.6 Housing assistance shall be available to eligible noncitizens who meet the conditions as described in 24 C.F.R. § 5.506(a)(2). The Family member declaring eligible noncitizen status shall sign a verification consent form and cooperate with DCHA efforts to verify his or her immigration status. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the Family began receiving HUD-funded assistance.
- 5102.7 Citizens of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States (FAS), are eligible for housing assistance under the Compacts of Free Association between the U.S. Government and the Governments of the FAS, Pub. L. 106-504, § 141 (2000).
- 5102.8 Those non-citizens who do not wish to declare their immigration status are required to have their names listed on a non-contending Family members listing, signed by the Head of Household (regardless of citizenship status), indicating their ineligible immigration status.
- 5102.9 DCHA is not required to verify a Family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).
- 5102.10 Providing housing assistance to noncitizen students is prohibited. If the Head of Household, Spouse, and minor children only have immigration status for the

purposes of educational pursuits, assistance shall not be provided and applications for assistance shall be denied or participation shall be terminated.

- 5102.11 A Family is eligible for assistance as long as at least one (1) member is a U.S. citizen, U.S. national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered “mixed families.” Such families shall be given notice that their assistance will be prorated and that they may request an informal hearing under chapter 89 of this title of the DCMR if they contest this determination.
- 5102.12 DCHA shall not provide assistance to a Family before the verification of eligibility of all Family members.
- 5102.13 When DCHA determines that an applicant or participant Family does not include any U.S. citizens, U.S. nationals, or eligible noncitizens, following the verification process, the Family shall be sent a written notice within ten (10) business days of the determination.

The notice of denial or termination of assistance for noncitizens shall advise the Family:

- (a) That assistance shall be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;
- (b) That the Family may be eligible for proration of assistance;
- (c) In the case of a participant Family, the criteria and procedures for obtaining relief under the provisions for preservation of families as contained in 24 C.F.R. §§ 5.514 and 5.518;
- (d) That the Family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal;
- (e) That the Family has a right to request an informal hearing with DCHA under chapter 89 of this title of the DCMR either upon completion of the USCIS appeal or in lieu of the USCIS appeal; or
- (f) For applicant families, that assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.