

## 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 the common issues and questions that noncitizens face in disaster situations regarding the exercise of their legal protections and rights.

### 15.2 Most Common Issues and Questions

#### **A. *Relating to the Federal Emergency Management Agency (FEMA) and the Accessibility of 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 other states agencies that distribute FEMA benefits?
- What if FEMA denies my initial application for FEMA benefits?
- I am undocumented. Is it safe to seek assistance from emergency shelters, food banks, and other nonprofit organizations?

#### **B. *Relating to an Immigration Case:***

- What do I do if I missed an immigration court hearing, 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 have a mobile device (e.g. my mobile phone) with the SmartLINK app with GPS function. I must turn on the device all the time to comply with ICE supervision. I cannot keep the device charged. What do I do?
- I am temporarily displaced from my home or have 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 they are safe?

#### **C. *Other Questions:***

- I am a foreign student whose visa is dependent on my enrollment in school. The disaster has affected my ability to pay for my studies. What are my options?

- Should I be afraid of driving if I am undocumented?
- Somebody stole my wages. If I call the police, will I be deported?

### 15.3 Summary of the Law

#### A. *General*

Programs for immigrant disaster victims have different requirements and definitions regarding who may apply. Under 44 C.F.R. § 80.3(g) and 8 U.S. Code § 1641, a “qualified alien” for FEMA benefits is an individual who falls under one of the following categories:

- Lawful permanent residents (“green card” holders or LPRs),
- Applicants who have been granted asylum,
- Individuals who have been admitted as a refugee,
- Individuals who have been granted humanitarian parole for at least one year,
- Individuals whose deportation have been withheld<sup>1</sup>,
- Individuals granted conditional entry (per law in effect before April 1, 1980),
- Individuals who were a Cuban and Haitian entrant under the Refugee Education Assistance Act of 1980,
- Noncitizens in the U.S. who have been abused or subject to battery or extreme cruelty by a spouse or other family/household member, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided,
- Noncitizens whose children have been battered or subject to extreme cruelty and noncitizen children whose parent has been battered or subject to extreme cruelty 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),
- Deferred action for childhood arrivals (DACA),
- A pending asylum application (with a temporary Social Security number), or
- No lawful immigration status (such as an expired visa or entry to the U.S. without inspection).

A “qualified alien” may access disaster relief benefits such as cash assistance through FEMA. Undocumented immigrants will not directly have access to these programs; however, anyone—regardless of their own status—can apply on behalf of a qualified minor child (either a “qualified alien” or U.S. citizen) in the same household.

---

<sup>1</sup> Withholding of removal can be based on any of the 5 protected grounds: race, religion, national origin, political opinion or particular social groups, not just political opinion. This is equally applicable to asylees and refugees.

## **B. Public Charge Law**

Regardless of how someone applies for disaster relief benefits, it is important to be aware of restrictions that may affect their immigration status, namely the public charge law. A “public charge” is an individual who is primarily dependent on the government for support, by receiving cash assistance for income maintenance, or by being institutionalized for long-term care at government expense. The “public charge” rule finalized in February 2020 that might have made noncitizens ineligible for permanent residency because of receipt of certain public benefits has been repealed in its entirety. One-time or limited-duration disaster cash assistance relief generally does not trigger “public charge” determination. Cash assistance received by family member(s) or noncitizen is not attributable to the noncitizen to trigger “public charge” determination.

Public charge law is particularly relevant to immigrants who are eligible to become lawful permanent residents (eligible to obtain a “green card”) and to immigrants seeking to enter the United States on certain types of visas. Under section 212(a)(4) of the Immigration and Nationality Act (INA), 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, education, health, and sponsor’s affidavit of support. No single factor will determine whether an individual is a public charge. The immigration officials will consider whether an individual has been primarily dependent on certain benefits in the past and whether the individual is likely to become a public charge in the future.

The “public charge” test is not applicable to several categories of immigrants, e.g., asylees, refugees, U or T visa applicants or holders, VAWA self-petitioner, children seeking or granted Special Immigrant Juvenile Status (SIJS). There is also no “public charge” test for individuals applying for U.S. Citizenship, renewal of “green card,” Deferred Action for Childhood Arrivals (DACA), asylum, Temporary Protected Status (TPS), or Deferred Enforced Departure (DED). For up-to-date information on the status of public charge regulations, see [here](#).

## **C. Tenant Rights**

Generally, the rights of a tenant are based on the language of the lease between the tenant and the landlord and the regulations within the Texas Property Code. For a more general discussion of tenant rights following a disaster, see Chapters 4 and 5 of this manual. In the aftermath of a disaster, undocumented tenants may face additional challenges when trying to enforce their renter rights or obtain new housing. As federal and state law does not provide clear guidelines on what immigrants should do if they are in such a situation, it is advisable for undocumented disaster victims to consult a qualified immigration attorney for guidance.

Generally, the federal Fair Housing Act (FHA) prohibits a landlord from refusing to rent based on “race, color, religion, sex, familial status, or national origin.” 42 U.S. Code § 3604. Case-law is shifting towards establishing that undocumented persons receive FHA protections. See *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 because the Alabama law discriminating against immigrants was amended a year after *Magee*. 2013 WL 2372302 (11th Cir. May 17, 2013), and *De Reyes v. Waples Mobile Home Park Ltd. Partnership*, 903 F.3d 415, 431-432 (4th Cir. 2018), cert. denied sub nom. *Waples Mobile Home Park Ltd. P’ship v. de Reyes*, 139 S. Ct. 2026, 204 L. Ed. 2d 218 (2019) (“There is no exemption for liability under the FHA for policies aimed at illegal immigrants. Consequently, in the absence of a specific exemption from liability for exclusionary practices aimed at illegal immigrants, we must infer

that Congress intended to permit disparate-impact liability for policies aimed at illegal immigrants when the policy disparately impacts a protected class, regardless of any correlation between the two.”).

#### **D. *Employee Rights***

Undocumented workers cannot qualify for regular unemployment compensation. However, if an immigrant has a valid work permit, has lost a job because of a disaster, and has met other requirements, they may qualify for regular unemployment compensation. To apply online, visit [Unemployment Benefit Services](#). For more information, see Chapter 6 of this manual.

If an immigrant does not qualify for regular unemployment benefits, they may consider applying for Disaster Unemployment Assistance (DUA)—assistance that 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 learn more about DUA [here](#).

In the aftermath of disaster, many people rely on immigrants to repair their homes or businesses; too often, however, undocumented workers are never paid for their labor. The Texas Payday Law, administered by the Texas Workforce Commission (TWC), protects both documented and undocumented workers whose wages are stolen by their employers. Claims must be filed within 180 days after the wages were due. For more information, and for access to forms for filing a claim, go to <https://www.twc.texas.gov/jobseekers/texas-payday-law#howToClaimUnpaidWages>.

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

- [FEMA Emergency Assistance](#), Helpline – 1-800-621-3362
- [State Bar of Texas Lawyer Referral & Information Service](#) – 1-800-252-9690
- [Texas RioGrande Disaster Legal Aid](#) – 1-956-996-8752 or 1-833-329-8752
- [Lone Star Legal Aid](#) – 1-800-733-8394
- [Legal Aid of NorthWest Texas, Inc.](#) – 888-529-5277
- [Houston Volunteer Lawyers](#) – 1-713-228-0735
- [American Immigration Lawyers Association](#) – 202-507-7600
- [Houston Immigration Legal Services Collaborative](#), Greater Houston only
- [Houston Immigrant Resource Hotline](#) (Greater Houston only): 1-833-468-4664
- [State Bar of Texas Disaster Relief Services](#), State Bar of Texas Legal Hotline – 1-800-504-7030

#### **15.5 Frequently Asked Questions**

##### ***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 [www.fema.gov/disasters](http://www.fema.gov/disasters) for updates on the status of your state and 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. For more information, see Chapter 2 of this manual.

## Eligibility

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

- Lawful permanent residents (LPRs or “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 at least one year,
- Individuals whose deportation have been withheld,
- Individuals granted conditional entry (per law in effect before April 1, 1980),
- Individuals who were a Cuban and Haitian entrant under the Refugee Education Assistance Act of 1980,
- Noncitizens in the U.S. who have been abused or subject to battery or extreme cruelty by a spouse or other family/household member, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided, or
- Noncitizens whose children have been battered or subjected to extreme cruelty and noncitizen children whose parent has been battered or subjected to extreme cruelty who fit certain criteria with an approved or pending petition.

If you are an ineligible parent or guardian with an eligible minor child, you can apply on behalf of your child if your child lives in the household and was born in the U.S. The application will require that you provide the child’s name, age, and social security number. Only one applicant per household is required. The applicant must sign a sworn statement called a “[Declaration and Release Form](#),” stating that the applicant or eligible minor child is a “qualified alien.” This form expires in 2022.) This form can be uploaded [here](#). 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 November 2019, 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, FACT SHEET: Citizenship Status and Eligibility for Disaster Assistance FAQ](#) (last updated November 15, 2019).

## Non-Eligibility

You are NOT eligible to receive FEMA assistance if you—

- Have only a nonimmigrant visa, such as work, student, or travel visa,
- Are receiving TPS,
- Are receiving DACA, or
- Are undocumented.

However, U.S. citizens and “qualified aliens” in the household ARE eligible for those benefits.

You are NOT eligible to receive FEMA cash assistance if—

- 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
- You are in the U.S. on a temporary tourist visa, student visa, work visa, or have a temporary resident card (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**

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

- Social Security number,
- Current and pre-disaster address,
- Telephone number,
- Insurance and income information for your household,
- A description of losses caused by the disaster, and
- A bank routing and account number (if you want direct deposit into your bank account).

If you need immediate assistance during a natural disaster or 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](#). You can also text “DRC” and a zip code to 43362 to find your nearest DRC or call 1-800-621-3362 (TTY: 1-800-462-7585). Standard message and data rates apply. For individuals who use 711 or Video Relay Service call 1-800-621-3362. Operators are multilingual and calls are answered seven days a week from 7 a.m. to 10 p.m. CDT. You can apply for [FEMA Assistance online](#).

### **Cash Assistance**

FEMA cash assistance is available through the 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 60 days after the date that the President declares a disaster in your area. You can apply in person at a DRC, [online](#), or via the [smartphone app](#). FEMA cash assistance and other FEMA assistance do not trigger a public charge issue. Refer to the “Public Charge” section above and Q. 15-2 below 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 of this manual.

### **Unemployment Assistance**

Individuals who are “qualified aliens” may apply for DUA through FEMA. You must apply for this program within 30 days of the date of announcement of availability for DUA. Thirty-day application timeline is the

standard deadline, but under extenuating circumstances unique to the disaster, the U.S. Department of Labor may extend the deadline. Survivors should consult with their local unemployment or workforce agency to confirm deadlines for applying. You also must not have declined an offer of employment in a suitable position. For more information, see [Disaster Unemployment Assistance](#).

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

Under current U.S. Citizenship and Immigration Services (USCIS) guidance, acceptance of emergency disaster relief is not considered public benefit that would cause you or your household members to become ineligible for lawful permanent residence (a green card) or a visa based on being a “public charge.” For more information, see [USCIS Public Charge Resources](#).

The Trump Administration finalized the “public charge” rule in February 2020 that threatened to prevent a noncitizen from being eligible for lawful permanent residency if that individual received certain public assistance for a set duration. The Biden Administration, on March 9, 2021, has since removed Trump’s Final Rule on Public Charge. The former standard on “public charge” that has been in existence since 1999 is the current law. Homeland Security, [DHS Secretary Statement on the 2019 Public Charge Rule](#). For up to date information on the status of public charge regulations, see [Know Your Rights](#) and [Public Charge](#).

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

Local communities, the Red Cross, and other voluntary agencies manage most shelters. Although it varies from agency to agency, 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 to stay in their shelters. See [American Red Cross Statement on Impartiality](#). Similarly, many local food banks and other nonprofit-run charities do not ask for identification or require a person to prove immigration status. While some agencies do ask for identification and proof of address, they are generally collecting this information for internal purposes only.

The way Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) enforce immigration laws during future disasters is subject to the political climate at the time. For example, during Hurricane Harvey in 2017, ICE and CBP did NOT conduct routine immigration enforcement at evacuation sites, shelters, or food banks, even though ICE did reserve the right to act if confronted with a serious, criminal situation. During natural disasters, however, 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 declaration that the state would prioritize protecting individuals’ safety over enforcing immigration laws. In Houston, there were CBP vehicles stationed outside of some shelters, which made immigrants fearful of going to shelters, even though there were no enforcement activities going on. On October 27, 2021, Secretary Mayorkas of the Department of Homeland Security issued a guidance designating a place where disaster or emergency response and relief is being provided as a “protected area” where immigration enforcement should not take place. See [Guidelines for Enforcement Actions in or Near Protected Areas](#).

For more information about a particular shelter, food bank, or other voluntary agency, you may reach the Red Cross at 1-800-733-2767 or visit [Red Cross](#). You can also contact 2-1-1 for an additional referral. If you feel that you have been wrongly denied access to an emergency shelter due to your immigration status, you can fill out a complaint form with [ACLU](#).

**Q. 15-4 *What can happen if I am driving, and I am undocumented?***

Driving without a license is a traffic offense and is sometimes penalized through a citation, in which you must later appear in court to pay a fine. However, officers have discretion and may arrest someone for driving without a license. For undocumented immigrants, it can also mean that you will be placed under detainer and transferred to ICE custody after local legal process ends, where you will either face a removal process or trigger a hold on your immigration status. If you must drive without a driver's license, make sure you have required liability insurance, maintain your vehicle's registration, and follow traffic laws.

Under a Texas law passed in 2017 known as "SB4" (Senate Bill 4), local jurisdictions must cooperate with federal detainers and can no longer have policies prohibiting their officers from inquiring about a person's immigration status. If police ask you about your status or country of origin, you do not have to answer. An officer is also not allowed to arrest you or hold you based on your immigration status. If you are under arrest, you are only required to give your name, residence address, and date of birth. ACLU, [Know Your Rights Under SB4](#) (last updated March 13, 2018).

**Q. 15-5 *If I have a loved one in an immigration detention center, how can I find out if they are safe?***

ICE has the responsibility of keeping individuals in its custody safe. During a storm or other disaster, ICE may transfer detainees from one facility to another for their safety. The fastest way to find someone in detention during a disaster is to call the detention facility. Be prepared to provide the loved one's basic information, such as name, alien registration number ("A-number," a nine-digit number assigned to anyone with an immigration case), country of birth, and birthdate. You can check the [ICE online detainee locator](#) (for adults only), but be aware that it is not updated in real-time and may take days or weeks to be updated. You may want to call immigration legal services nonprofits in your area, as they may know whether certain facilities are being evacuated during or in advance of a storm. To locate pro bono immigration legal services providers in Texas, you can go to the website of the [Executive Office for Immigration Review](#).

**Q. 15-6 *What do I do if I missed an immigration court hearing, 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, these agencies may themselves have to shut down. You should not put your personal safety at risk during a disaster or its aftermath. In the event the court or agency closes due to a natural disaster, your hearing or appointment will be rescheduled.

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

EOIR has an automated hotline that provide information about cases that have been initiated in Immigration Courts. It offers proceeding information, including hearing dates, immigration judge

decisions, etc. You can access the information by calling the automated hotline at 1-800-898-7180. You will need to provide your “A-number” to get information about your case. In addition, you can also check the status of your case through this [on-line portal of EOIR](#).

However, the EOIR hotline may not be updated during an emergency. In such a situation, you can find the most up-to-date information about court closures [here](#). If the court closes on the date you were set to have a hearing, the court will automatically reschedule your hearing date, and you should receive a hearing notice by mail. For this reason, among others, it is important to update the court with your most recent address if you have moved (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, if 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 should try to call the local immigration court and speak with your judge’s clerk to let them know that you cannot make it to the hearing; however, this may not successfully stop the court from entering an order of removal. For contact information about immigration courts, visit their [website](#). If the court does enter an order of removal, you should try to reopen your case with evidence that you were unable to make it to the courthouse. For example, if safe to do so, take photographs of flooded streets as evidence that you could not physically leave your home. Contact a legal immigration services nonprofit near you for assistance on filing 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 Contact Center at 1-800-375-5283 (TTY 800-767-1833) or by visiting their [website](#).

If the USCIS office is closed on the date of your appointment, it will reschedule you for a new date and time. A notice should be sent to you by mail, so it is very important that you 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 Contact Center at 1-800-375-5283 (TTY 800-767-1833) and let them know you will miss your appointment due to a natural disaster. For more information, visit their [website](#).

If you missed your biometrics appointment or would like to know if the biometrics office is open, you can call the USCIS Contact 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 your [ICE field office](#) 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 can find information for obtaining documents from Texas, the U.S. federal government, foreign governments, USCIS, and the Immigration Court (EOIR).

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

USCIS will reissue certain documents at a cost. However, if you lost documents because of a disaster, and because of 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 can be mailed to you if you call 1-800-870-3676 and request that service.

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

To obtain a copy of your immigration record containing copies of applications you have submitted, you must make a request using the online Freedom of Information Act (FOIA) system or submit a Form G-639, in writing, to the USCIS National Records Center (address below) or through the online [FOIA request service](#). For more information on what to include with your FOIA request, call the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833) or visit [Request Records through the Freedom of Information Act](#). You can also email more detailed questions to [foiapaquestions@uscis.dhs.gov](mailto:foiapaquestions@uscis.dhs.gov). Check the status of a pending FOIA request [here](#).

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 a Texas document, such as a birth certificate, marriage license, divorce decree, vehicle title, Texas driver’s license or identity card, visit the Texas Law Help website for detailed instructions on how to request a new document:

- [English](#)
- [Spanish](#)

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

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 the Texas Law Help website for detailed instructions on how to request the new documents:

- [English](#)
- [Spanish](#)

## Foreign government–issued documents

To obtain copies of 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](#) (AILA), or call the AILA at 202-507-7600. If you are in Houston, call the Houston Immigrant Resource Hotline at 1-833-468-4664 to connect with a local nonprofit organization that may be able to help.

## Immigration Court documents

You can obtain copies of immigration court documents in two ways: (1) by submitting a Freedom of Information Act (FOIA) request; or (2) by going to the immigration court where your case is pending.

To obtain the most complete copy of your immigration court case, you will need to submit a FOIA request, which may then take anywhere from three months to a year to process. For details on how to submit a FOIA request to the immigration court, please visit their [website](#).

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 (depending 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 [here](#).

### ***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, but you have fallen out of status due to a natural disaster, USCIS may choose to consider either a request for an extension or a change in status due to the disaster, if you can show how the request is directly connected to the disaster. Per USCIS, if you do not apply for the extension or change of status before your authorized period of admission expires, it may excuse the delay if it was due to extraordinary circumstances beyond your control. If you have failed to appear for a scheduled interview or have 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.” [USCIS, Special Situations](#) (last updated Oct. 25, 2019).

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

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

- [Texas RioGrande Disaster Legal Aid](#) – 1-888-988-9996
- [Lone Star Legal Aid](#) – 1-800-733-8394
- [Legal Aid of NorthWest Texas](#) – 888-529-5277
- [Houston Volunteer Lawyers](#) – 1-713-228-0735

**Q. 15-10 I have moved/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 more of the following agencies, including U.S. Citizenship and Immigration Services (USCIS), Immigration Court (Executive Office for Immigration Review, (EOIR)), the Board of Immigration Appeals (BIA), or Immigration and Customs Enforcement (ICE).

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

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. For more information, see [change of address form](#). You can also update your address by calling the USCIS Contact Center at 1-888-375-5283 (TTY: 1-800-767-1833).

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

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, your 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 from this [website](#), complete it, and mail it to the address on the form. You must also make a copy of the form and send it to the ICE Office of Chief Counsel. You can find the office nearest you [here](#) can also use the on-line “[Respondent Access](#)” portal to submit a change of address.

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 (BIA)**

If you have an appeal pending with the Board of Immigration Appeal and need to change your address, notify your attorney. You must complete and file Form EOIR 33/BIA in person or by mail to BIA to the address on the form. You also need to “serve” the government attorney, i.e., the Office of Chief Counsel for Department of Homeland Security, Immigration and Customs Enforcement (ICE) in the jurisdiction of

the Immigration Court from which you file your appeal with the BIA by giving a copy of the BIA change of address form in person or mail it to the appropriate address. To locate the address of ICE field offices, visit this [website](#). You can submit change of address using the on-line portal, called “[Respondent Access](#)”. No online change of address is available for the BIA. You can get Form EOIR 33/BIA from the Department of Justice website [here](#).

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

To change your address with Immigration and Customs Enforcement (ICE), you can call 1-866-347-2423 (TTY: 1-802-872-6196).

***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. For more information, see [Special Situations](#).

***Q. 15-12 I have an ankle monitor or a device with SmartLINK, and I cannot leave my address. I cannot keep my ankle monitor or my SmartLINK device 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 and make sure that 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 your attorney and let them know of the situation.

Second, go to the nearest ICE Field Office or ISAP/BI-Incorporated office, report what happened, and get new equipment. If you cannot go because of transportation issues or flooding, then wait and make sure that you reported and recorded the issue via telephone. Then, when it is safe to do so, go to one of the offices listed [here](#).

***Q. 15-13 Somebody stole my wages. 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. However, we recommend you consult with a legal aid organization, worker center, or a private attorney before contacting any government body. For more information, visit [Texas Law Help](#).

Some worker centers across the state are:

- [Equal Justice Center](#) with offices in Austin, Dallas, San Antonio, and Houston. For employment matters, they can be reached at 1-800-853-4028
- [Workers Defense Project](#) has offices in Austin, Dallas, and Houston.
- [Fe y Justicia Worker Center](#) is based in Houston.
- **Fuerza Del Valle** operates in the Rio Grande Valley: you can call 1-956-283-5650 or email [fightwagetheft@gmail.com](mailto:fightwagetheft@gmail.com). You are also 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 for access to forms for filing a claim, visit this [website](#).

If you would like to call the police, be aware that under a Texas law passed in 2017 known as “SB4” (Senate Bill 4), local jurisdictions can no longer have policies prohibiting their officers from inquiring about a person’s immigration status. However, if police ask you about your status or country of origin, you do not have to answer.

\*\*\*FEMA has a collection of flyers containing important FEMA Assistance information for undocumented immigrants that are written in multiple languages [here](#).