

Addressing the Needs of Immigrants and Limited English Communities in Disaster Planning and Relief

Lessons for Government, Disaster Relief Agencies, and Community-Based Organizations

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By JONATHAN BLAZER and BRETT MURPHY¹

As the United States experiences an elevation in both the incidence and perceived threat of disaster, emergency preparedness has been assigned high priority by all levels of government, as well as by nongovernmental organizations. Potential hazards range from frequent and severe natural disasters to terrorism and public health epidemics. One of the most basic ingredients of effective planning is the development of strategies for maximizing the participation of the entire populace in preparing for disaster, complying with emergency orders, and engaging in other response efforts when disaster strikes. In the event of a major public health crisis such as a pandemic flu, the country's success in containing harm and saving lives requires that all members of the community understand how to protect themselves, seek timely help, and avoid spreading disease.

Although there is growing recognition that the effectiveness of disaster planning and relief depends on engaging and addressing the concerns of all segments of the population, the particular concerns of immigrants and other individuals with limited English proficiency are too often overlooked, disregarded, or even at times exploited.

Hurricane Katrina provided a particularly graphic occasion for examining the multiple levels of failure to account for the concerns of vulnerable groups. Geographical areas affected by Hurricanes Katrina (late August, 2005) and Rita (late September, 2005) were home to vibrant communities of immigrants. According to a special American Community Survey report, when the storms hit, approximately 1.8 million Hispanics, many of whom were immigrants, were living in the 117 counties most affected by Hurricanes Katrina and Rita.² In the years immediately preceding the storm, over 30,000 Asians were living in the five Louisiana parishes most impacted by Hurricane Katrina.³

Many immigrants were left behind in the worst-hit areas because the government failed to issue warnings,

evacuation instructions, or hazard and safety precautions in a language they could understand. Some lost the documentary proof of immigration status needed to obtain government assistance and employment. Some were evicted from shelters or otherwise made to feel unwelcome. The threat of deportation loomed large. Even many lawfully residing immigrants who had proof of their status were ineligible for most of the cash assistance, housing, employment, and health care services on which other survivors relied. All levels of government failed the survivors, and voluntary organizations and community groups were only partially successful in filling the gaps.

Drawing from nearly two dozen interviews with individuals involved in assisting immigrants struggling to survive in the aftermath of Katrina and other recent disasters,⁴ this report attempts to identify lessons—positive and negative—that can inform the disaster management work of state and local governments, disaster relief agencies, and community-based organizations seeking to address the needs of immigrant and limited-English proficient (LEP) communities more effectively.⁵

The recommendations in this report are directed principally to the following sectors:

- The federal government, particularly the Department of Homeland Security (DHS), whose agencies include the Federal Emergency Management Agency (FEMA), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP).
- State and local governments, which play a critical role in disaster planning.
- Disaster relief agencies—nongovernmental organizations at the national and state levels that provide assistance when disaster strikes, many of which are members of National Voluntary Organizations Active in Disaster (NVOAD).⁶



NATIONAL
IMMIGRATION
LAW CENTER
www.nilc.org

LOS ANGELES (Headquarters)
3435 Wilshire Boulevard
Suite 2850
Los Angeles, CA 90010
213 639-3900
213 639-3911 fax

WASHINGTON, DC
1444 Eye Street, NW
Suite 1110
Washington, DC 20005
202 216-0261
202 216-0266 fax

- Community groups, whose role has been prominent in meeting the needs of immigrants in time of disaster.

■ The Struggle of Community Groups to Meet the Needs of Immigrants Affected by Katrina

Community-based organizations are a critical ingredient in effective disaster planning and response, particularly as a link to marginalized and vulnerable populations. Some noncitizens, for a variety of reasons, may have more reason than citizens to distrust the government; and people who distrust the government are less likely to comply with public health and emergency directives. Community groups are more likely than other disaster relief providers to employ culturally and linguistically competent staff and are more likely to have earned the confidence of the populations they serve. However, a recent study of member organizations of the National Alliance for Hispanic Health indicates that while willingness to provide disaster assistance is high among community groups, capacity is low.⁷

Community groups that responded to the needs created by Hurricane Katrina reported that they encountered a variety of obstacles in their efforts to provide assistance. These included difficulties connecting victims and evacuees with major disaster relief providers due to the providers' lack of linguistically and culturally competent staff; difficulties securing adequate funding for disaster relief operations;⁸ an inability to participate in shelter trainings and certification processes because they were too overwhelmed to navigate bureaucracies and training programs; poor communication with FEMA, Red Cross, and other major disaster relief providers; and lack of technical expertise in disaster relief. These obstacles negatively affected both service providers and recipients, heightening confusion and stress, placing financial and logistical limitations on service providers, complicating referral processes, and ultimately preventing many hurricane survivors from obtaining in a timely manner the full range of services for which they were eligible.

It is clear, therefore, that partnerships between government agencies, disaster relief organizations, and immigrant-serving organizations at both the national and community levels are paramount to an effective preparedness and response strategy. In addition, to effectively engage these community groups and other community leaders, it should be recognized that despite a high social will to assist in disaster planning and response, structural barriers such as a lack of resources and understanding of how to become connected with emergency networks and

systems make such efforts more difficult than they need to or should be.⁹

PERSPECTIVE

UNITED HONDURAN COMMITTEE OF HOUSTON

Prior to Hurricane Katrina, New Orleans was home to more than 100,000 Hondurans, many of whom had been granted temporary protected status after Hurricane Mitch ripped through Central America in 1998. Even before Katrina struck, Honduran and other Latino evacuees began crowding into El Coquito, a restaurant in southwest Houston. El Coquito is owned by Christina Flores, who is also the president of the United Honduran Committee of Houston.

With businesses to keep afloat and few outside resources, Christina and other members of Houston's Honduran community did everything they could to provide the evacuees with food, clothing, and other necessities while trying to connect them with larger relief providers. In the first two weeks, Christina recorded more than 1,000 names at El Coquito. As soon as the Mayor's Office of Immigrant and Refugee Affairs (MOIRA), led by Benito Juarez, heard what was happening, it distributed Spanish-language flyers at the restaurant, providing information about assistance available to evacuees, and sent Spanish speaking caseworkers. Soon afterward, MOIRA connected El Coquito with the Mennonite Central Committee (MCC). Joined by a few local churches, MCC provided food, care packages, and Wal-Mart cards to the evacuees. Most importantly, transportation was provided from El Coquito to the main disaster recovery center and shelters, which were all relatively distant.

Despite this assistance, Hondurans encountered serious difficulties in obtaining the assistance they needed. Due to the lack of Spanish-speaking interpreters at most disaster recovery centers, more than one hundred families sent by Christina were turned away. Most returned to El Coquito with no idea why they had been rejected.

■ Overcoming Barriers Preventing Immigrants from Effective Participation in Disaster Preparedness and Relief

In order to include immigrant communities in disaster planning and emergency assistance more effectively, government agencies, disaster relief organizations and community groups must address a wide range of obstacles. Some of these barriers resemble those experienced by other vulnerable groups. For example, some studies have indicated that distrust of governmental authorities, a

common obstacle in bringing aid to immigrant communities, is also prevalent among racial and ethnic minorities more generally. Immigrant and low-income communities alike suffer from vulnerabilities associated with a lack of financial resources and poor access to health care.¹⁰ However, these obstacles have unique dimensions when experienced by immigrants. Language barriers and low education attainment create further challenges for many immigrants, as well as for citizens with limited English proficiency. Finally, for undocumented immigrants or mixed status households that include undocumented members, vulnerabilities relating to immigration status can vastly exacerbate other challenges.

On a positive note, the resourcefulness and resilience of immigrants also present an opportunity for emergency managers and planners. Immigrants must often overcome traumatic situations in their home countries and effectively adjust to obstacles they face in their new home. While there is little information on how to tap into this potential, there are hints that the resilience and self-reliance immigrants have been forced to develop can be a valuable asset to a community's recovery. Examples can be seen in post-Katrina New Orleans, where the Latino and Asian communities were among the first to recover and thrive economically.

Fear of Immigration Enforcement

Overview. Undocumented immigrants live in a continuous state of anxiety due to the ever-present possibility that their lives will be thrown into chaos if immigration authorities discover their unlawful presence. This anxiety extends also to their families, which often include U.S. citizens. The degree of trepidation varies according to a number of factors, and it may ebb and flow over time. There is strong indication that undocumented immigrants and their family members are currently experiencing extraordinarily high levels of fear.¹¹

When disaster strikes, fear of immigration enforcement clearly inhibits immigrants from securing even the most basic emergency services, such as shelter, food, and water. For reasons that remain unclear, in Katrina's aftermath the federal government did not issue the same kinds of assurances it had made when, for example, Hurricane Charley hit Florida in 2004. Then, FEMA issued a press release in English and Spanish titled "Storm Victims Urged to Come Forward for Emergency Aid Regardless of Immigration Status," in which it encouraged all immigrant storm victims to seek emergency aid for which all survivors are eligible. A lack of reassurance in combination with instances of actual enforcement conducted by ICE in disaster areas following Hurricanes Katrina and Rita exacerbated immigrants' fear of the authorities, which discouraged them from seeking assis-

tance from government agencies. In the interviews conducted for this report, fear of exposing immigration status was the most commonly cited reason why many undocumented immigrants avoided FEMA and even the American Red Cross, preferring instead to seek assistance from community organizations. Publicity surrounding immigrants who were detained by the authorities in the course of applying for benefits fueled these sentiments.¹²

Recommendations. In an emergency, the government should do everything in its power to encourage all victims to participate in rescue and recovery efforts. Fear of immigration enforcement corrodes these efforts and exacerbates threats to public health and safety. We therefore recommend that state and local governments make it clear that their sole interest in times of disaster is to assist persons in need. Policies should ensure that officials and agencies providing disaster-related services avoid making unnecessary inquiries regarding the immigration status of evacuees or any other information that is not strictly nec-

PERSPECTIVE

**JOSÉ VELÁZQUEZ, PH.D.,
EXECUTIVE DIRECTOR, LATINO MEMPHIS**

During the first two weeks after Hurricane Katrina, there were essentially no Latinos staying in shelters in Tennessee. Shortly after, however, significant numbers of immigrant survivors began arriving at the offices of Latino Memphis. These immigrants, who were afraid to seek help from FEMA or the Red Cross, reported that many Latinos had not known that they were supposed to evacuate or how to do so, and that many people remained behind.

Three weeks after Katrina, Executive Director José Velázquez and other Latino Memphis staff went to Bay St. Louis, Mississippi, to see how they could be of assistance. Amid the devastation, they found a damaged apartment complex where Latino families remained. As they approached the complex, several residents ran into the apartments and locked the doors, fearing that the Latino Memphis staff might be immigration enforcement officers. The residents later explained to the Latino Memphis staff that they wanted to leave the area but did not have transportation and were afraid to approach the FEMA disaster recovery center or the Red Cross relief center, both of which were less than a hundred meters away.

Despite Latino Memphis's attempts to alleviate their fears, most of the Latinos in the complex would not budge. This situation was exacerbated by the attitude at the local Red Cross relief center, which did not employ Spanish interpreters, refused offers from volunteer interpreters, and turned away at least two families because they did not bring Spanish interpreters with them.

essary to deliver or determine eligibility for critical services. Furthermore, state and local public officials should institute policies to ensure to the maximum degree permissible by law that information gathered during a disaster remains confidential and will not be shared with other agencies for purposes not directly connected to administering disaster assistance.

DHS likewise should develop a standing policy, reiterated in times of disaster, not to conduct immigration enforcement in association with any phase of disaster preparedness or recovery.¹³ Federal agencies should not make inquiries regarding immigration status or any other information that is not strictly necessary for effectuating evacuation or determining eligibility for critical services, and should not use information obtained in the course of humanitarian disaster relief efforts for immigration enforcement. Neither ICE nor CBP should be visibly present in disaster relief settings.

In addition, the American Red Cross and other VOADs should establish and train staff in policies preventing employees from making unnecessary inquiries into immigration status, prohibiting the sharing of information regarding immigration status without consent, and forbidding employees from calling upon immigration or law enforcement authorities or other agencies that are not involved in determining eligibility for disaster assistance. Neither the American Red Cross nor any other VOAD should invite, welcome, or permit immigration enforcement authorities to operate in the vicinity of their shelters or assistance sites.

Finally, community groups should continue to monitor and document the experiences of immigrants as they attempt to secure disaster relief, serving as advocates and watchdogs. It is clear that the presence of community organizations as observers, fact-finders, and information-providers at disaster relief sites has discouraged abusive

practices and promoted accountability when abuses occur.

Loss of Documentation

Overview. Even in normal times, tens of millions of U.S. residents lack readily available identification documentation. According to a national survey sponsored by the Brennan Center for Justice, as many as 7 percent of U.S. citizens do not have ready access to documents proving citizenship, such as U.S. passports, naturalization papers, or birth certifications. As many as 11 percent of U.S. citizens lack government-issued photo identification. The problem is particularly prevalent among the poor, seniors, and minorities.¹⁴

When Katrina's floodwaters swamped cities and towns along the Gulf Coast, many people lost important ID documents, including driver's licenses, Social Security cards, passports, bank statements, pay stubs, and birth certificates. For many survivors, the loss of these documents proved to be a significant obstacle in obtaining FEMA assistance and regaining financial solvency. For noncitizen victims who were lawfully present in the U.S., the loss of documentation caused more than delays in the processing of their applications for government assistance; it also meant they had no proof that their presence was lawful, which in turn complicated their efforts to seek employment and made them vulnerable to arrest and detention.

Disaster aid personnel operating in Gulf Coast disaster settings at times demanded that persons seeking assistance present documents to prove their personal identity or confirm that they resided in an area affected by disaster and were therefore "legitimate" disaster victims. Whether or not such demands are pretexts for discrimination on the basis of race, ethnicity, or immigration status, their effect on immigrants can be particularly severe. Because of increasingly stringent rules governing state issuance of photo ID, immigrants are less likely to possess driver's licenses or other state IDs issued in the U.S. Therefore, even in normal times, many immigrants struggle to provide acceptable documentary proof of their identity and residency. They must often rely on secondary forms of evidence, such as utility bills, leases, and rent receipts—the kinds of documents that are most likely to be destroyed or left behind in haste when disaster strikes. To make matters worse, noncitizens' inability to produce acceptable ID may cause authorities to suspect that they lack ID because they have no lawful immigration status. Because noncitizens are well aware that, increasingly, local law enforcement and other authorities are actively cooperating with federal immigration enforcement efforts, the specter of ID checks is a severe deterrent to immigrants' seeking assistance, particularly

THE AMERICAN RED CROSS'S STATEMENT OF IMPARTIALITY (2005), REITERATING PRINCIPLES OF THE INTERNATIONAL RED CROSS MOVEMENT, STATES, IN RELEVANT PART:

Red Cross workers will not question clients about their citizenship status; nor will they request birth certificates, immigration papers, passports, social security cards, or similar documents that could be interpreted as being used to identify the nationality or immigration status of persons seeking Red Cross assistance. If clients reveal their citizenship status or this information becomes available from some other sources, this information is not recorded on any Red Cross document. Only such documents necessary to identify the individual or family as living in the disaster-affected area are required for Red Cross assistance.

if aid applicants are being required to produce federally or state-issued IDs.

Recommendations. In light of the above, federal, state and local agencies administering public benefits and other assistance programs should develop plans for relaxing ordinary documentation requirements in areas where a disaster has caused widespread destruction of documents.¹⁵ And in the aftermath of disasters that cause widespread destruction of documentation, U.S. Citizenship and Immigration Services (USCIS) should expedite issuance of temporary documents to replace lost immigration papers, such as work authorization cards.

State and local governments should do their part by passing legislation or enacting policies that prohibit agencies involved in disaster assistance from soliciting documents or information that are not strictly necessary under state and federal rules to determine eligibility for assistance. For example, California recently enacted a bill intended to address some of the abuses that occurred during response to the 2007 San Diego–area firestorms. Proponents of the bill noted that persons fleeing a disaster commonly lose or lack access to critical documents, and that low-income individuals, seniors, persons with disabilities, and immigrants face particular barriers in replacing these documents. The bill states, in relevant part: “Entities providing disaster-related services and assistance shall strive to ensure that all victims receive the assistance that they need and for which they are eligible. Public employees shall assist evacuees and other individuals in securing disaster-related assistance and services without eliciting any information or document that is not strictly necessary to determine eligibility under state and federal laws.”¹⁶

Finally, disaster relief agencies and community groups should similarly develop policies limiting solicitation of information to that which is absolutely necessary to determine eligibility for assistance.

Loss of Immigration Status

Overview. In many cases, the lawful immigration status of noncitizens is conditioned on their relation to a relative in the U.S., their work for a particular employer, or their attendance as a student at a certain educational institution. After the Gulf Coast hurricanes in 2005, many immigrants who had previously been the beneficiaries of family- and employment-based petitions for immigrant visas were relegated to a limbo status because their relatives died or their employers’ facilities were destroyed. Immigrant students who had to suspend their studies because their schools closed technically did so in violation of their student visas.¹⁷

When similar issues arose for surviving immigrant victims of 9/11, Congress acted swiftly to enact legisla-

tion ensuring that noncitizens residing lawfully in the U.S. prior to the attacks did not suffer a loss of immigration status or benefits due to circumstances that changed as a result of the attacks.¹⁸ After Katrina, the U.S. House of Representatives quickly passed a bill providing for insufficiently narrow remedies.¹⁹ Improved provisions were included in a comprehensive immigration reform bill that passed in the Senate,²⁰ but the legislation was never enacted. Congress was not willing or able to take even the minimal step of authorizing the attorney general and DHS secretary to waive technical transgressions by noncitizens in lawful status prior to the hurricanes whose failure to comply with immigration laws was the direct result of the disaster. As a result, thousands of previously lawfully residing immigrants were placed in limbo or lost their lawful status due to circumstances caused by the hurricanes’ devastation.²¹

Recommendations. Protecting victims of disaster from losing their preexisting immigration status solely because of the disaster should be a federal priority. The federal government alone is responsible for enacting and administering immigration laws.

In the weeks following Katrina, the National Immigration Law Center published a set of recommendations outlining features that should be included in federal hurricane relief legislation, including numerous provisions aimed at safeguarding lawfully residing immigrants from loss of immigration status. Most of these recommendations are broadly applicable to other major disasters.²²

Language Barriers

Overview. Unless agencies engaged in disaster planning develop measures to overcome language barriers, individuals with limited English proficiency will miss important information needed to prepare for emergencies. When disaster strikes, effective communication with limited-English proficient (LEP) individuals is necessary to ensure that they understand evacuation orders and other emergency directives. Failures in communication not only endanger LEP individuals and their families but also threaten to put into harm’s way first responders tasked with rescuing people. Furthermore, communication failures pose a more severe threat to the broader public in the event of a pandemic. Indeed, the Centers for Disease Control and Prevention recognizes communities with limited language competence as a population group warranting particularly careful attention in emergency planning and response.²³

It is an understatement to say that many LEP Gulf Coast residents did not get the information they needed about the pending disaster of Hurricane Katrina or the relief available to survivors. Prior to Katrina, only one Spanish-language radio station based in New Orleans

PERSPECTIVE**ENCOURAGER CHURCH, HOUSTON**

The Encourager Church in Houston operated as an independent shelter and recovery center for Katrina evacuees. Sarah Williamson, the facilities manager, recounted this story:

We had one Vietnamese lady, it was just her and her husband . . . they didn't have any children, and she did not speak or understand any English. He would get up early in the morning to try to find work and would leave her here. We were trying to help her, ask her some questions, not really knowing that she didn't understand us . . . and it scared her. She had just come from Vietnam and only been in New Orleans for three months when this happened to them, and they had lost everything and had to come over here. It almost seemed like she thought we were trying to hurt her. Then we finally had someone come in who could interpret for her and let her know that we were here to help her and keep her from being alone. That really calmed her down and, from then on, she was comfortable here.

served coastal Mississippi, and the hurricane interrupted that station's services. Immigrants whose primary languages were neither English nor Spanish had even less access to information. For example, Gulf Coast callers seeking to communicate with FEMA via telephone were given a choice between English and Spanish. No offer was made for Vietnamese, despite the large numbers of Vietnamese affected by the storms, or for any other foreign language.²⁴

Due to the lack of accessible warning information, many immigrants failed to evacuate, putting themselves at great personal risk. Ineffective outreach to immigrant communities created a lack of awareness of the services available to persons affected by the storms, resulting in thousands of Vietnamese and Latino survivors and evacuees bypassing officially sanctioned shelters in favor of ethnic enclaves (such as the Hong Kong City Mall and El Coquito Restaurant, both in Houston) where compatriots provided food and shelter.

Other LEP individuals who sought assistance from mainstream providers did not have effective access to relief services because FEMA, the Small Business Administration (SBA), the U.S. Department of Housing and Urban Development (HUD), state governments administering Community Development Block Grant (CDBG) funds, and the American Red Cross lacked multilingual staff or volunteers who could communicate with them and often did not offer printed materials in their primary language. Feeling unwelcome, many LEP families

walked away from shelters and disaster recovery centers upset, confused, and without the assistance that they desperately needed.²⁵

The failure to provide effective language assistance to individuals in need of disaster assistance runs contrary to the spirit and, in many cases, the law of Title VI of the Civil Rights Act of 1964,²⁶ which obliges the programs receiving federal financial assistance²⁷ to take reasonable steps to provide LEP persons with meaningful access to their programs, activities, and services. In addition, in 2000 the White House issued Presidential Executive Order 13166,²⁸ which requires that federal agencies work to ensure that federally funded programs provide meaningful access to LEP applicants and beneficiaries.²⁹ It also directs federal agencies to examine the services they conduct, identify any need for services among those with limited English proficiency, and develop and implement a plan to provide those services to ensure that LEP persons have meaningful access to them.

In light of the problems witnessed in Katrina and other disasters, the Post-Katrina Emergency Management Reform Act of 2006 included provisions specifically requiring FEMA to work in coordination with state and local governments to identify LEP population groups and take such groups into account in the disaster planning process; ensure that information is made available in formats that can be understood by people with limited English proficiency, disabilities, or special needs; and develop and maintain a clearinghouse of information about model language assistance programs and best practices for state and local governments to consider in providing disaster services.³⁰

Recommendations. To protect the health and safety of all communities in times of disaster and to ensure that emergency preparedness services adhere to legal obligations, FEMA should comply with the directives of Executive Order 13166 by implementing a language assistance plan for its federally conducted activities and establishing policy guidance on providing LEP persons with meaningful access to programs receiving federal financial assistance from FEMA.

Vital written materials, such as all-hazards emergency preparedness guides and disaster preparedness brochures, should be translated in advance into any languages frequently encountered within affected communities. The availability of information in languages other than English should be communicated effectively to LEP communities.

To be most effective, foreign language materials should not be mere literal translations of materials intended for English-speaking U.S. citizens. They should take into account the particular concerns of immigrant and LEP communities. Translated materials should be made available on the Internet. However, they should

also be distributed in non-Web formats, such as brochures, picture books, and pocket guides. As a recent study notes, “Unfortunately, many racial/ethnic groups might not benefit from [Web] resources because of limited access to the Internet and limited skills to navigate complex Web-based systems predominately in English.”³¹

To effectively protect LEP households, state and local governments must include explicit procedures within their emergency operating plans to distribute emergency-related communications in languages other than English.

Furthermore, providers of disaster assistance services must be trained in the policies and procedures established to ensure meaningful access to LEP persons.³² Interpreters should participate in training exercises, disaster simulations, and assessment modules to ensure that they will function as expected.

In order to help programs receiving federal funding to meet their obligations under Title VI, the Department of Justice maintains a website that functions as an informational clearinghouse.³³ Governmental and nongovernmental entities engaged in disaster planning should review and utilize these online resources, beginning with the “Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance.”³⁴

Barriers that Impede Access to Government Benefits and Services

Overview. When a disaster uproots families from their homes, employment, and personal support systems, a predictable surge in demand for public benefits ensues. These critical services range from emergency provisions to more sustained assistance in securing food, housing, health care, and other necessities. Like other survivors of the Gulf Coast hurricanes, low-income immigrants and refugees lost family members, jobs, homes, possessions, and the documents they needed to secure critical assistance. In addition, many immigrants faced barriers to securing the services needed due to immigration-related restrictions in benefits programs, impairing their ability to resume healthy and productive lives.

Short-term, noncash emergency assistance is, by law, available to disaster survivors without regard to citizenship or immigration status. When a major disaster strikes an area, FEMA provides such assistance in the form of warnings, evacuation, transportation, emergency medical care, crisis counseling, and emergency shelter. However, the Red Cross, VOADs, and other nonprofits are free to provide disaster victims with unrestricted assistance,³⁵ including cash grants to help with immediate expenses, regardless of one’s immigration status.³⁶ Unfortunately, many immigrant victims of Katrina avoided FEMA and other government agencies because they incorrectly as-

sumed that they were not eligible for government assistance and received no information to the contrary. Even when individuals were fully eligible for disaster assistance, a lack of awareness and community misperceptions regarding the rules served to exclude immigrants from seeking services.

The byzantine complexity of the eligibility rules governing programs that extend beyond noncash emergency services contributes to confusion and misunderstanding among disaster victims and the agencies that assist them. A wide range of federal public benefits—including those that target disaster recovery (cash grants, disaster unemployment insurance, rental assistance, loans) and safety-net programs available more generally to low-income individuals (food stamps, Temporary Assistance for Needy Families (TANF), Medicaid, subsidized housing)—are foreclosed not only to undocumented immigrants but also to many categories of lawfully present immigrants. These longer-term programs are available only to a subset of immigrants classified in the federal welfare law as “qualified” immigrants.³⁷ In some pro-

CASE STUDY NEW YORK AFTER 9/11

In the aftermath of 9/11, policymakers and public officials recognized the critical importance of protecting the health and safety of New York City residents and understood that access to health care for those who needed it most was impaired by a host of obstacles: the displacement of many New Yorkers from their homes and places of employment; severe disruption of transportation and telecommunication; and loss of communication lines needed to access the normal Medicaid computer management system.

Working in partnership with the federal government, the Department of Health quickly implemented Disaster Relief Medicaid, a time-limited program aimed at meeting the health needs of low-income New Yorkers in a time of crisis. Using a “presumptive eligibility” approach by which a preliminary determination of eligibility is simply based on the applicants’ own declaration of need, DRM provided four months of Medicaid benefits to individuals who completed a simplified, one-page application. The application made no inquiries regarding immigration status but required applicants to provide a Social Security number.*

* See *Disaster Relief Medicaid Evaluation Project* (Ithaca, NY: Cornell University, Dec. 2005), 11, www.health.state.ny.us/health_care/medicaid/related/docs/drm_report.pdf: “The application was simplified in recognition of the inability to use the normal computer systems, the difficulties people might have in obtaining documents from employers and institutions following the disaster, the short-term nature of the program, and the need to assist affected individuals quickly. Eligibility was determined manually and records transferred to the State Medicaid offices in Albany for computer entry.”

grams, such as food stamps, even “qualified” immigrants may be barred from participation during their first five years in qualified status.³⁸

Although various bills introduced in Congress would have loosened some of the restrictions barring immigrant survivors of Hurricane Katrina from obtaining needed benefits beyond the initial emergency period, the most significant legislation—including the Hurricane Katrina Food Assistance Relief Act and the Emergency Health Care Relief Act of 2005—failed to pass. The consequences of the governments’ failure to respond more robustly to the health needs of hurricane victims extend far beyond immigrants. In the months following Hurricane Katrina, an alarmingly high incidence of health problems was experienced by storm victims lacking health insurance. The problem was not an inability to connect survivors with government programs but rather a failure to ensure universal health coverage to low-income survivors; even among families living in FEMA-subsidized community settings, 44 percent of caregivers surveyed reported that they did not have health insurance, although nearly half had at least one chronic medical condition.³⁹

Eighty-five percent of families headed by an immigrant include at least one U.S. citizen child.⁴⁰ In theory, the federal government is committed to ensuring that all eligible individuals, including U.S. citizen children of ineligible immigrants, have access to short- and long-term disaster assistance. Ineligible parents therefore are authorized to apply for assistance on behalf of an eligible child.⁴¹ However, the final page of the FEMA application form includes a chilling waiver for parents who have included their identification information on the application:

I understand that, the information provided regarding my application for FEMA disaster assistance may be subject to sharing within the Department of Homeland Security (DHS) including, but not limited to, the Bureau of Immigration and Custom Enforcement.⁴²

Like requests for green cards or Social Security numbers, even small-print statements such as this can deter parents from seeking the assistance that is promised to their eligible family members.

Recommendations. Public programs that assist low-income disaster survivors in meeting basic necessities, such as nutrition assistance, housing, and medical care, should be made available to all victims for at least a temporary period, regardless of immigration status. At a minimum, essential public benefits should be made available to victims of disaster who are lawfully present in the U.S.⁴³ If the federal government is unwilling to take this step, state governments should exercise their prerogative to utilize state funds to deliver this assistance

to all persons who critically need it.

Agencies at all levels should become familiar with the rules governing immigrant eligibility for disaster-related benefits and services. Agencies assisting disaster victims should familiarize themselves with the rules regarding public charge so they can provide appropriate reassurance to victims.⁴⁴ During recovery periods, the federal government should reiterate that use of disaster-related assistance will not carry public charge implications. Government agencies providing disaster benefits should examine their applications to ensure that they do not intimidate parents into not applying for benefits on behalf of their eligible children.

Notices, brochures, and applications should communicate clearly in plain language which family members need to provide immigration status information and Social Security numbers and for what purpose. Federal agencies coordinating in the development of the new Disaster Assistance Improvement Program (DAIP) must be especially vigilant in ensuring that the new online disaster benefits portal does not exclude immigrants from securing benefits for which they are eligible. New materials developed to promote DAIP should be written with the needs of immigrant families in mind.⁴⁵

■ Conclusion

A nation whose goal is to protect overall public health and safety during and after a disaster will institute policies designed to ensure that disaster relief agencies, community organizations, and the government will work in concert to assure that all members of the affected community heed warnings, comply with instructions, and seek needed assistance. The recommendations offered above are aimed at overcoming particular obstacles that have undermined participation by immigrants and other communities with limited English proficiency in disaster preparedness and response. In essence, they are suggestions for cultivating understanding, trust, and cooperation, factors by which any disaster preparedness— or response-related practice instituted by any public or private agency should be measured.

Given the intense anxiety currently prevalent within many immigrant communities in the U.S. and the country’s poor performance in addressing immigrants’ concerns during recent disasters, disaster relief agencies, community organizations and all levels of government are faced with a difficult task. As the emergency management coordinator for one county in south Texas recognized, “We’ve already lost a lot of the public’s trust.”⁴⁶ Unless bold steps are taken to restore trust, future disasters could result in grave human tragedy, public health catastrophes, and national embarrassment, particularly if

the disaster is a pandemic or bioterrorism attack. Fortunately, concrete steps can be taken to foster understanding, trust, and cooperation among immigrant and LEP communities. These steps can better ensure that every-

one in an impacted area can participate in response efforts, allowing communities to rebuild and regain their collective strength together.

NOTES

¹ Jonathan Blazer is a NILC public benefits policy attorney, and Brett Murphy formerly worked at NILC as a Bill Emerson Congressional Hunger Fellow. This article, which stems from interviews conducted by Mr. Murphy, is excerpted and adapted, with permission, from a more detailed paper that will be published as an appendix to *Emergency Managers Tool Kit: Meeting the Needs of Latino Communities* (National Council of La Raza, publication expected in late 2008 or early 2009). Editorial assistance was provided by Tanya Broder, Eduardo Cusicanqui, Richard Irwin, Elizabeth Light, Grisella Martinez, Gregory Wersching, and Dinah Wiley. The authors wish particularly to acknowledge the feedback and assistance provided by Melissa Crow and the generosity of the Open Society Institute, which supported NILC's engagement in Gulf Coast recovery work.

² See the special American Community Survey Report on the 117 "disaster counties" designated by the Federal Emergency Management Agency (FEMA) as eligible to receive "individual and public assistance," www.census.gov/acs/www/Products/Profiles/gulf_coast/index.htm.

³ The 2000 U.S. Census, which is commonly recognized to have undercounted immigrant and limited-English proficient (LEP) communities, recorded 32,523 Asians living in New Orleans and surrounding parishes. For additional demographic data regarding Asian immigrants affected by Hurricane Katrina, see Tuyet G. Duong and Juliet K Choi, *Hurricane Katrina: Models for Effective Emergency Response in the Asian American Community* (Washington, DC: Asian American Justice Center, 2007), www.advancingequality.org/attachments/files/34/KatrinawriteupFINAL.pdf.

⁴ Unless otherwise specified, these interviews are the sources of any other quotations or profiles that follow. Organizational affiliations are identified according to the positions held at the time of the incidents reported.

⁵ This article focuses principally on lessons learned from how immigrant and LEP survivors fared during the 2005 Gulf Coast hurricanes. It does not address other important issues, such as the treatment of workers involved in the reconstruction effort. For a comprehensive report based on over 700 interviews of black, Latino, Asian, Native American, and white workers, see Judith Brown-Dianis, Jennifer Lai, Marielena Hincapié, and Saket Soni, *And Injustice for All: Workers' Lives in the Reconstruction* (Washington, DC: Advancement Project, July 2006),

www.nilc.org/disaster_assistance/workersreport_2006-7-17.pdf.

⁶ NVOAD is a coordinating body that supports a network of 34 national member organizations by providing a framework for information sharing and cooperation. It also supports more than 50 state and territorial Voluntary Organizations Active in Disaster (VOADs) and an increasing number of local VOADs. Information about its membership, as well as contact information, can be found at www.nvoad.org/AboutUs/tabid/70/Default.aspx.

⁷ See Lourdes Baezconde-Garbanati, et al., "Maximizing Participation of Hispanic Community-Based/NonGovernmental Organizations (NGOs) in Emergency Preparedness," *International Quarterly of Community Health Education* 24, No. 4 (2005–06): 289, 291, citing R. D. Lasker, *Redefining Readiness* (Albany, NY: Center for Public Health Preparedness, 2004). See also Olivia Carter-Pokras, et al., "Emergency Preparedness: Knowledge and Perceptions of Latin American Immigrants," *Journal of Health Care for the Poor and Underserved* 18, No. 2 (May 2007): 465–81.

⁸ See Tony Pipa, *Weathering the Storm: The Role of Local Nonprofits in the Hurricane Katrina Relief Effort* (Washington, DC: The Aspen Institute, 2006), www.nonprofitresearch.org/usr_doc/Nonprofits_and_Katrina.pdf.

⁹ Baezconde-Garbanati et al., "Maximizing Participation."

¹⁰ Carter-Pokras, et al., "Emergency Preparedness," 466, citing Stanford L. Bolin on the 1994 Northridge, California earthquake: "Studies of earthquakes in California suggest that poor Latinos, undocumented immigrants, and monolingual ethnic groups are among the groups that encounter the most problems in acquiring resources and recovering."

¹¹ See Julia Preston, "Facing Deportation but Clinging to Life in the U.S.," *New York Times*, Jan. 18, 2008.

¹² Elena Shore, "Katrina Victims Denied Aid and Face Deportation," *New America Media*, Sept. 28, 2005, http://news.ncmonline.com/news/view_article.html?article_id=69b9752a0c82041c78788e4390506983.

¹³ On Sept. 10, 2008, with Hurricane Ike threatening, DHS released talking points stating, in part: "There will be no DHS immigration enforcement operations associated with evacuations and sheltering." This marked an improvement over a statement DHS released a week earlier in response to Hurricane Gustav's threat. Advocates and organizations in directly affected communities have urged DHS to establish a standing policy ensuring all evacuees and their families

will have safe and equal access to humanitarian care during every phase of disaster. See letter from the New Orleans Workers' Center for Racial Justice and supporting organizations to DHS Secretary Michael Chertoff, Sept. 9, 2008, www.nilc.org/disaster_assistance/national_letter_on_dhs_disaster_policy_sept08.pdf.

¹⁴ Brennan Center for Justice, *Citizens without Proof* (New York, NY: New York University, Nov. 2006), www.brennancenter.org/page/-/download_file_39242.pdf.

¹⁵ A Government Accountability Office (GAO) report notes that, after Katrina and Rita, “In addition to providing disaster food stamps to hurricane victims in the disaster-affected states, [the U.S. Department of Agriculture]—for the first time ever—adopted a policy of providing disaster food stamps to evacuees nationwide. Usually disaster food stamps are available only in areas where the disaster occurred. This new policy authorized states across the country to provide the maximum monthly food stamp benefits to Katrina victims for up to three months. Seventeen states, including the four hurricane-affected states—Alabama, Louisiana, Mississippi, and Texas—issued disaster food stamps to evacuees.” *Hurricanes Katrina and Rita: Federal Action Could Enhance Preparedness of Certain State Administered Federal Support Program* (Washington, DC: GAO, Feb. 2007), www.gao.gov/new.items/d07219.pdf, 13.

¹⁶ The bill, AB 2327, which the legislature passed with bipartisan support, was enacted on September 28, 2008.

¹⁷ For a more detailed discussion of these issues, see Ruth Ellen Wasem, *Hurricane Katrina-Related Immigration Issues and Legislation* (Washington, DC: Congressional Research Service, 2005), <http://fpc.state.gov/documents/organization/53687.pdf>.

¹⁸ See USA Patriot Act of 2001, PL 107-56, §§ 421-428.

¹⁹ The Immigration Relief for Hurricane Katrina Victims Act of 2005 (H.R. 3827).

²⁰ The provisions, entitled “Preservation of Immigration Benefits for Hurricane Katrina Victims,” were included in the Comprehensive Immigration Reform Act of 2006 (S. 2611).

²¹ Three months after the storm, USCIS offered discretionary relief to certain foreign students, providing “interim relief” to F-1 visa-holders and, on a case-by-case basis, “deferred action” status to F-2 visa-holders. See USCIS press release, “USCIS Announces Interim Relief for Foreign Students Adversely Impacted by Hurricane Katrina,” Nov. 5, 2005, www.uscis.gov/files/pressrelease/F1Student_11_25_05_PR.pdf.

²² These recommendations can be found at www.nilc.org/disaster_assistance/katrina_relief_091905.pdf.

²³ Carol Simon, *Public Health Workbook to Define, Locate and Reach Special, Vulnerable and At-Risk Populations in*

an Emergency (draft, Centers for Disease Control and Prevention, 2007) www.bt.cdc.gov/workbook.

²⁴ Uyen Le, *The Invisible Tide: Vietnamese Americans in Biloxi, MS: An Update One Year After Hurricane Katrina* (Silver Spring, MD: National Alliance of Vietnamese American Service Agencies, 2006).

²⁵ Elena Shore, “Katrina Victims Denied Aid and Face Deportation.”

²⁶ 42 U.S.C. § 2000d et seq. Title VI prohibits discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services. Title VI’s prohibition against national origin discrimination has been interpreted to cover conduct disproportionately affecting LEP individuals. The failure to take reasonable steps to provide LEP individuals with language services needed to ensure their participation in federally funded services has been interpreted to be a violation of Title VI. See *Lau v. Nichols*, 414 U.S. 563 (1974), and U.S. Department of Justice, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” 67 Federal Register 41455–72 (June 18, 2002).

²⁷ Federal financial assistance is defined broadly and includes grants, training, use of equipment, donations of surplus property, and other assistance. *Ibid.*

²⁸ Executive Order 13166, 65 Federal Register 50121–22 (Aug. 16, 2000). This executive order, issued by President Bill Clinton, was reaffirmed by the Bush administration. See Ralph F. Boyd Jr., Assistant Attorney General, “Tools to Ensure Implementation and Understanding of Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency)” (memorandum, Nov. 12, 2002), www.usdoj.gov/crt/cor/lep/BoydNov122002memo.htm.

²⁹ These steps include utilization of translation to facilitate the understanding of written materials and bilingual personnel or interpreters to facilitate oral communication.

³⁰ 42 U.S.C. § 5196f.

³¹ Dennis Andrulis, Nadia Siddiqui, and Jenna Gantner, “Preparing Racially and Ethnically Diverse Communities for Public Health Emergencies,” *Health Affairs* 26, No. 5 (2007): 1272.

³² A bill under consideration in the California Legislature (AB 1930) requires, among other things, that the state director of emergency services utilize a registry of qualified bilingual persons in public contact positions to assist with emergency preparedness, response, and recovery. See http://info.sen.ca.gov/pub/07-08/bill/asm/ab_1901-1950/ab_1930_bill_20080506_amended_asm_v97.pdf.

³³ The website, www.lep.gov, is called “Limited English Proficiency: A Federal Interagency Website.”

³⁴ Additional information can be found at www.lep.gov/selfassesstool.htm.

³⁵ Nonprofit charitable organizations are not required to determine, verify, or otherwise require proof of eligibility of any applicant for benefits that are otherwise restricted for many immigrants under the 1996 welfare law. See 8 U.S.C. § 1642(d).

³⁶ For a fact sheet providing a more detailed overview of the rules, see *Immigrant Eligibility for Disaster Assistance* (Washington, DC: American Red Cross, 2007), www.nilc.org/ce/nilc/disasterassist_immeligibility_2007-06.pdf. See also Alison Siskin, Analyst in Social Legislation, “Noncitizen Eligibility for Disaster-Related Assistance” (Congressional Research Service memorandum, Feb 15, 2002), <http://65.36.162.215/files/nda.pdf>.

³⁷ “Qualified” immigrants include: (1) lawful permanent residents (“green card”-holders); (2) refugees, asylees, and persons granted withholding of deportation or removal; (3) persons paroled into the U.S. for at least one year; (4) Cuban/Haitian entrants; and (5) certain victims of domestic violence who have a pending or approved visa petition filed by a spouse or parent, a self-petition under the Violence Against Women Act (VAWA), or an application for suspension of deportation/removal under VAWA. Victims of trafficking, although technically not classified as “qualified” immigrants, are eligible for benefits to the same extent as refugees.

³⁸ For an overview of these and other rules governing immigrant eligibility for public benefits, see Tanya Broder, “Immigrant Eligibility for Public Benefits,” *Immigration and Nationality Law Handbook*, 2005–06 edition (Washington, DC: American Immigration Lawyers Association, 2005–06), available at www.nilc.org/immspbs/special/imm_elig_for_pub_bens_aia_0305.pdf.

³⁹ See David Abramson and Richard Garfield, *On the Edge: Children and Families Displaced by Hurricanes Katrina and Rita Face a Looming Medical and Mental Health Crisis* (New York, NY: Columbia University Mailman School of Public Health, Apr. 17, 2006, rev. Dec. 23, 2006).

⁴⁰ Michael E. Fix and Wendy Zimmerman, *All Under One Roof: Mixed-Status Families in an Era of Reform* (Washington, DC: Urban Institute, 1999), 2, www.urban.org/UploadedPDF/409100.pdf.

⁴¹ Federal Emergency Management Agency, “Questions and Answers for Undocumented Immigrants Regarding FEMA Assistance” (news release, June 17, 2004), www.fema.gov/news/newsrelease.fema?id=12562.

⁴² The application is available at www.fema.gov/pdf/assistance/process/9069B.pdf.

⁴³ The Hurricane Katrina Food Assistance Relief Act of 2005 (S. 1643) proposed to extend the availability of food stamps to lawfully present immigrants by treating them in the same manner as refugees and other humanitarian immigrants, who are afforded immediate access to benefits on the same terms as U.S. citizens.

⁴⁴ U.S. Citizenship and Immigration Services specifically designates “emergency disaster relief” as an example of benefits that will not be considered for public charge purposes. Furthermore, even in benefits programs providing ongoing assistance beyond disaster relief, only cash assistance and institutionalized, long-term medical care count as part of the determination. On these points, and for more general information on public charge, see *Questions and Answers: Public Charge* (U.S. Citizenship and Immigration Services, May 25, 1999), www.uscis.gov/files/article/public_cqa.pdf.

⁴⁵ For examples of messages states have developed to ameliorate immigrant family concerns about seeking needed assistance, see “Promising Practices on Application Forms,” compiled by the Office for Civil Rights of the U.S. Department of Health and Human Services, at <http://hhs.gov/ocr/nationalorigin/electpromise.html>; see also “Promising Practices Packet: Community Education And Outreach Materials Promoting Immigrant Access,” at <http://hhs.gov/ocr/nationalorigin/promiseoutreach.html>.

⁴⁶ John Cavazos, Emergency Management Coordinator, Cameron County, Texas, as quoted in Rick Jervis, “Immigrants Face Hurricane Dilemma,” *USA Today*, June 2, 2008, www.usatoday.com/news/nation/2008-06-02-borderevac_N.htm.