

# Know Your Rights: Sharing Information about Immigration Status in HUD Housing Programs

## I am an immigrant. Can I receive HUD housing assistance?

An immigrant may receive HUD housing assistance if they have **"HUD-eligible immigration status."** An immigrant has HUD-eligible immigration status if their status falls under one of the following categories:

- Lawful permanent residents;
- Asylees and Refugees;
- Survivors of human trafficking;
- VAWA self-petitioners;
- Persons granted withholding of removal;
- Public interest/humanitarian parolees; and
- Individuals lawfully residing under compacts between the U.S. and Marshall Islands/Micronesia and Palau.

## Can my family receive HUD housing assistance if some family members say they have HUD-eligible immigration status but others do not?

To be eligible for HUD housing assistance, a family must include at least one family member who is either a U.S. citizen or an immigrant with HUD-eligible immigration status. These families receive reduced housing assistance that is prorated to cover eligible members only. Family members who do not claim to have HUD-eligible immigration status do not receive assistance, but they can continue to live with family members who do receive HUD housing assistance.

## I am a HUD tenant, and my HUD housing provider asked me for information about my immigration status. Do I have to give this information?

It depends on whether you have given your HUD housing provider your immigration status before.

**If you shared your HUD-eligible immigration status with your HUD housing provider when you first started receiving assistance, your provider may ask you to verify this information again.** You must give this information to avoid losing your housing assistance. Verification of immigration status usually occurs when family members apply for assistance or are recertified for continued assistance.

**If you do not claim to have HUD-eligible immigration status, you may refuse to give your immigration status to your HUD housing provider. You have the right to tell your provider that you "do not contend" – that is, do not claim – HUD-eligible immigration status.** If you do not contend HUD-eligible immigration status, you will not receive HUD housing assistance for your part of the rent. This means that you are not required to verify your immigration status. You may remain living in your home with prorated assistance.

**If you never shared your immigration status with your HUD housing provider before, you should not give this information to HUD, your public housing authority, or your landlord without consulting an attorney. If you verify your immigration status when you don't have to, you could face eviction, termination of HUD housing assistance, and immigration enforcement.**

## My HUD housing provider asked me to verify my immigration status, and they have never asked for this information before. What should I do?

You should contact a local legal aid attorney or tenant group for help. A local legal aid attorney or tenant group can help determine whether the request is legal and how to protect yourself and your family.

<b><i>If a public housing authority, HUD housing provider, or HUD...</i></b>	<b><i>Then the family member who does not claim to have HUD-eligible immigration status should...</i></b>
Asks the family for <b>documents</b> to verify their immigration status	<b>Refuse to provide documents verifying their immigration status.</b> The only family members who are required to verify their immigration status are the members who say that they have HUD-eligible immigration status.
Asks family members <b>in person</b> about their status or the status of other members (front door, front office, etc.)	<b>Say that they do not contend HUD-eligible immigration status.</b> They should consult an attorney before responding further. They also have the right not to provide any additional information or documents.
Asks the family to <b>fill out a form</b> about each member's immigration status	<p><b>Check the option not to contend eligible immigration status.</b> The family should check this option for each family member who does not claim to have HUD-eligible immigration status.</p> <p>INSTRUCTIONS: Complete the declaration below by reviewing all three boxes and signing the ONE box that applies. A separate Declaration must be signed for each member of the assisted household.</p> <p>I, _____ hereby declare, under penalty of perjury, that:</p> <div> <p>1. I am a citizen or national of the United States of America.</p> <p>Signature _____ Date _____</p> <p>(if signing on behalf of a child who lives in your assisted unit and for whom you are responsible, check here <input type="checkbox"/>)</p> <p><b>If you sign this box, no further information is required.</b></p> </div> <div> <p>2. I am a non-citizen with eligible immigration status, as described on reverse.</p> <p>Signature _____ Date _____</p> <p>(if signing on behalf of a child who lives in your assisted unit and for whom you are responsible, check here <input type="checkbox"/>)</p> <p><b>If you sign this box, you must go on to complete the reverse side including the Verification Consent.</b></p> </div> <div> <p>3. I am not contending eligible immigration status and I understand that I am not eligible for financial housing assistance</p> <p>Signature _____ Date _____</p> <p>(if signing on behalf of a child who lives in your assisted unit and for whom you are responsible, check here <input type="checkbox"/>)</p> <p><b>If you sign this box, no further information is required. You are NOT eligible for housing assistance.</b></p> </div>

If the form is missing the option to not contend, the family has the right to refuse to check any box on the form for members who do not claim to have HUD-eligible immigration status. They also have the right to write "I do not contend eligible immigration status" on the form. Below is an example of this form and how it can be filled out.

## DECLARATION OF SECTION 214 STATUS

NOTICE TO APPLICANTS AND TENANTS: In order to be eligible to receive the housing assistance sought, each applicant for, or recipient of, housing assistance must be lawfully within the United States. Please read the Declaration statement carefully, sign and return it to the Housing Authority office. Please feel free to consult with an immigration lawyer or other immigration expert of your choice.

I, \_\_\_\_\_, certify, under penalty of perjury 1/, that, to the best of my knowledge, I am lawfully within the United States because (please check appropriate box):

- ☐ I am a citizen by birth, a naturalized citizen, or a national of the United States; or
- ☐ I have eligible immigration status and I am 62 years of age or older. (attach proof of age); or
- ☐ I have eligible immigration status as checked below (see reverse side of this form for explanations). Attach INS document(s) evidencing eligible immigration status and signed verification consent form.
  - ☐ Immigrant status under 101 (a) (15) or 101 (a) (20) of the INA/3; or
  - ☐ Permanent residence under 249 of INA 4/; or
  - ☐ Refugee, asylum, or conditional entry status under 207, 208, or 203 of the INA /5; or
  - ☐ Parole status under 212(d)(5) of the INA /6; or
  - ☐ Threat to life or freedom under 243(h) of the INA /7; or
  - ☐ Amnesty under 245A of the INA 8/.

*I do not contend eligible immigration status*

Signature

Date

**\*PARENT/GUARDIAN must sign for family members under age 18. DO NOT sign child's name.**

## What information do public housing authorities and HUD property owners share with HUD?

HUD receives the following information for all household members from public housing authorities and owners:

- Name, birth date, income, and employer name/job details
- Which household members have HUD-eligible immigration status and which household members do not contend to have HUD-eligible immigration status
- Social Security numbers or immigration document numbers of household members with HUD-eligible immigration status
- The address where you rent with your voucher
- Your rent amount

A public housing authority (PHA) or HUD property owner could share additional information with HUD if HUD asks for this information as part of an audit or other investigation.

## What information do public housing authorities and HUD property owners share with the Department of Homeland Security (DHS)?

DHS checks the immigration status of household members who say they have HUD-eligible immigration status. To do this, public housing authorities must share the following with DHS:

- Name, birth date, and immigration document number of all HUD-eligible household members.
- In March 2025, HUD and DHS signed an agreement to share additional information about individuals who are ineligible for federal housing assistance. HUD and DHS have not provided details of this arrangement.

**This fact sheet is updated as of June 2025, and is not intended to provide legal advice. You should consult an attorney for advice about your specific case. To find your local legal organization, go to [lawhelp.org](https://www.lawhelp.org).**

