

Policy Subject: Shelter Intake Process for Asylum Seekers/Asylees and Victims of Human Trafficking	Applicable To: ALL PATH STAFF	Effective Date: October 05,2017
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■ INTRODUCTION

The purpose of this policy bulletin is to establish a procedure for Department of Homeless Services (DHS) Prevention Assistance and Temporary Housing (PATH) staff to identify families with household members who are asylum seekers/asylees or victims of human trafficking and to preclude from investigation out-of-country or other unsafe addresses for such families so as to protect such families from any safety risks. The investigation of addresses where persecution or trafficking has occurred, or contact with perpetrators of persecution or trafficking, jeopardizes an asylum seeker/asylee’s or trafficking victim’s safety. To ensure all potential asylum seekers/asylees and/or victims of human trafficking are appropriately identified, additional questions must be asked. As required by law, some families seeking asylum or escaping from human trafficking may prefer to speak to DHS staff in a language other than English and must be provided language interpretation services.

■ POLICY

The shelter application and eligibility process involves investigation of prior addresses of applicant families. Such investigations could pose a safety risk to certain populations, including:

- **Asylum Seeker/Asylees:** a non-citizen in the United States seeking protection due to persecution, or fear of persecution, in their home country due to race, religion, nationality, membership in a particular social group, or political opinion.
- **Victims of Human Trafficking:** individuals who have experienced the use of force, fraud, or coercion to compel them to work against their will. This work can include but is not limited to commercial sex acts, domestic servitude, debt bondage, and labor trafficking.

This policy seeks to ensure these populations are afforded additional safety protections during the application process.

■ BACKGROUND

The application and eligibility process for emergency shelter for families is determined according to State regulations. This process contains several steps, including investigation of previous addresses at which an applicant family has resided. However, investigation of addresses where persecution or trafficking may have occurred could jeopardize the safety of asylum seekers/asylees or victims of human trafficking. This safety concern may lead such shelter applicants to avoid shelter entry and may expose them to greater harm.

■ AGENCY REQUIREMENTS

To better assist and serve families with children seeking emergency shelter at the PATH Family Intake Center, DHS is instituting a specific intake process for applicant families with household members who are asylum seekers/asylees or who are escaping situations involving human trafficking. Staff must follow several steps.

1. In order to comply with the DHS Procedure 09-001 "DHS Language Access Policy", DHS PATH Intake staff must:
 - a. ask in the preferred language (utilizing a telephonic interpretation service, if necessary), if the applicant family would like to use free interpretation services;
 - b. record the family's preferred written and spoken languages in CARES; and,
 - c. provide free interpretation services if the applicant family requests them or if the worker is having difficulty communicating with the applicant family.

Note that families maintain the right to request interpretation services at any point in the process, even if they turned them down earlier.

2. Staff must tell the applicant family, in their preferred language, that the information the family provides during the application process will not be shared with federal immigration officials, and that they may apply for temporary housing assistance regardless of immigration status.
3. During the DHS shelter application process, the applicant family must provide information to a DHS Social Worker about their most recent address before applying for shelter as well as other addresses where the applicant family resided during the prior two years. With respect to any such addresses, the Social Worker must ask whether the applicant family believes that he/she would be harmed by returning to such addresses and, if yes, the reason why. The purpose of this inquiry is to determine whether there are any potential issues relating to asylum, human trafficking or domestic violence at any prior address.
 - a. If no safety issues are reported, the application proceeds on the regular intake process track.
 - b. If safety issues are reported, the Social Worker must:

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- i. Alert the Manager on Duty and Department of Social Services (DSS) Legal that the family may be seeking asylum and/or may be a victim of human trafficking. The Manager on Duty must place a managerial flag in the applicant family's CARES home page, using the Communication/Intervention drop-down, to indicate: "The applicant family may be seeking asylum or may be victims of human trafficking; do not investigate addresses in housing history."
 - ii. Refer the applicant family to NoVA if domestic violence was reported.
 - iii. Ensure PATH provides the family with conditional placement pending further determination on their case.
 - iv. If the Social Worker believes the applicant family may be seeking asylum:
 1. The Social Worker must inform the family that no documentation is required at this point, but, if the family has any paperwork demonstrating an intention to apply for asylum, attempt to apply for asylum or asylum status, they can submit it at this point. The Social Worker must remind the family that nothing they provide will be shared with federal immigration officials. If the applicant family does not have any documentation related to their asylum status, the Social Worker must provide appropriate referrals to assist the family in obtaining identification documents.
 2. The Social Worker must notify the Manager on Duty and DSS Legal, and forward the case information, including any documentation demonstrating that a member of the family may be seeking asylum (for a list of the documentation see **Attachment A**) to the DSS Office of Refugee and Immigrant Affairs (ORIA) via email to oria@hra.nyc.gov.
 3. ORIA should respond to the Manager on Duty within 3 business days so as to permit the eligibility investigation to proceed.
 - a) If ORIA confirms the asylum seeking status of the applicant family, the Manager on Duty must edit the managerial flag in CARES to indicate: "It is confirmed the applicant family is seeking asylum; do not investigate out-of-country addresses."
 - b) If ORIA cannot confirm the asylum seeking or asylee status of the applicant family, ORIA will notify DHS to provide the applicant family with referrals to community or legal services organizations that can assist the family in applying for asylum. The flag in CARES will remain in place, and DHS staff will not investigate out-of-country addresses.³
 - c) Any delay in the ORIA's response to the documents must not cause a delay or termination of a family's shelter application.

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- v. If the Worker believes the applicant family may have been victims of human trafficking:
1. The Social Worker must inform the family that no documentation is required at this point, but if the family has any paperwork demonstrating prior victimization due to human trafficking, they can submit it at this point. The Social Worker must remind the family that nothing they provide will be shared with federal immigration officials. If the applicant family does not have any documentation related to their trafficking status, the Social Worker must provide appropriate referrals to assist the family in obtaining identification documents.
 2. The Social Worker must notify the Manager on Duty and DSS Legal, and forward the case information, including any documentation demonstrating that a member of the family may have been victim of human trafficking (for a list of the documentation see **Attachment B**) to the DSS Office of Refugee and Immigrant Affairs (ORIA) via email to oria@hra.nyc.gov.
 3. ORIA should respond to the Manager on Duty within 3 business days so as to permit the eligibility investigation to proceed.
 - a) If ORIA confirms the applicant family are victims of human trafficking, the Manager on Duty must edit the managerial flag in CARES to indicate: "It is confirmed the applicant family are victims of human trafficking; do not investigate the following addresses," and provide list the precluded addresses.
 - b) If ORIA cannot confirm the family are victims of human trafficking, ORIA will notify DHS to provide the applicant family with referrals to community or legal services organizations that can assist the family in applying for victims of human trafficking status. The flag in CARES will remain in place, and DHS staff will not investigate any addresses.
 - c) Any delay in ORIA's response to the documents must not cause a delay or termination of a family's shelter application.
- vi. If the applicant family reports that they do not have access to identification documents as a result of trafficking or because of the events that prompted them to flee their country and seek asylum, the Worker must accept any of the documentation listed in **Attachment A** or **Attachment B** as proof of identity.
4. Based on the presence of a managerial flag indicating the applicant family is either seeking asylum, is an asylee, or is a victim of a human trafficking Staff must:

- a. Not ask any questions about out-of-country addresses or precluded addresses, or any questions about the reasons why the family is seeking asylum or is escaping human trafficking, or any questions about their living situation at addresses related to the trafficking or the circumstances of the trafficking. If asylum seekers or victims of trafficking go through the diversion process, HRA Diversion and Resource Room workers must focus their efforts on alternate viable and available housing in the United States and must also connect such families with resources within the City (e.g., MOIA, HRA's contracted immigration service providers) or to an appropriate legal services organization within the community, as recommended;
- b. Preclude from shelter eligibility investigation and recommendation any residences in an asylum seeker's home country or those residences during the applicant family's journey to the United States, and/or, any residences precluded due to human trafficking;
- c. Remove the flag indicating the family's asylum-seeking / asylee/ victim of human trafficking status only if the family affirmatively tells DHS Staff they are no longer seeking asylum or victim of human trafficking status.

If an applicant family reports at any point during the intake and eligibility process that they have a fear of returning to their home country or have left an out of country address to escape persecution and violence or they have a fear of returning to an address due to a trafficking history, the Worker must provide a referral of the case to the PATH Social Worker team, and must consult with DSS Legal.

Effective Immediately

REFERENCES:

05-ADM-07
OTDA 09-ADM-01
GIS 10/MA/002
GIS 09 TA/DC022
SSL 483-aa
18 NYCRR 765

RELATED ITEMS:

PD #05-15-ELI
PD #13-07-ELI
DHS Procedure 09-001

ATTACHMENTS:

Attachment A
Attachment B
ORIA195 (E)

Documentation demonstrating that a member of the family may be seeking asylum, which would serve to preclude residences and corroborate housing history in the asylum seeker/asylee's home country, includes:

1. The signature page from the official federal asylum application form (**I-589**);
2. An **I-797** Notice of Action showing that an asylum application (**I-589**) has been filed;
3. A notice from the Asylum Office or United States Citizenship and Immigration Services (USCIS) acknowledging a pending asylum application or scheduling an interview for an applicant;
4. Other official immigration documents such as Record of Determination/Credible Fear Worksheet (Form **I-870**);
5. Record of Determination/Reasonable Fear Worksheet (Form **I-899**);
6. Decision from an immigration judge reversing a negative credible fear or reasonable fear determination; or,
7. A signed letter or verifiable email from an attorney, social worker, legal services organization, or advocate indicating that the applicant family has been screened for, and intends to apply for, asylum.
8. A letter from USCIS, a copy of an **I-94** form, or a decision from an Immigration Judge granting asylum or withholding of removal.
9. Any of the above-mentioned documents serves to preclude residences and corroborate housing history in the asylum seeker's home country.

Documentation demonstrating that a member of the family may be a victim of human trafficking, which would serve to preclude residences and corroborate housing history includes:

1. A Form **I-797C**, Notice of Action for a **T** Nonimmigrant Status application;
2. A Form **I-797C**, Notice of Action for a **U** Nonimmigrant Status application, accompanied by the applicant family's attestation that the underlying crime involved trafficking, prostitution or the slave trade;
3. A letter from Office of Temporary Disability and Assistance verifying the applicant is a victim of human trafficking;
4. A **NYCPL 440** Vacatur Motion verifying that the applicant is a victim of human trafficking;
5. A letter from the New York State Office of Temporary Disability and Assistance, the Department of Health and Human Services, or the Administration for Children's Services verifying the applicant is a victim of human trafficking;
6. A signed letter from an attorney, social worker, legal services organization or advocate indicating that the applicant family has been screened for, and is a survivor of human trafficking;
7. Any other documentation showing that the applicant is a victim of trafficking.

OFFICE OF IMMIGRANT AND REFUGEE AFFAIRS (ORIA) CLEARANCE REQUEST FORM

ORIA@hra.nyc.gov, ORIA (212) 331-4550

1. This form should be used for noncitizen/alien clearances.
2. All documents (all pages, front & back) should be scanned and indexed.
3. Documents not listed, should be included under *OTHER* and *additional notes* if relevant.

Date: ___ / ___ / _____

Staff Information	Name of Staff (Last, First): _____	Center #:	Contact Tel #:
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Client Information	Name of client including alias:	WMS case#:	Date of Birth:
	First: _____ Last: _____ Alias if any: _____ Male <input type="checkbox"/> Female <input type="checkbox"/>	_____ USCIS #: _____ _____	___ / ___ / _____ Social Security number: _____

Document information	Immigration document/Form title & number	Category Code	Required Additional information
	Permanent Resident Card (Green Card) form I-551: Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g.: FX2, IR6, R8-6, CU-7, C09, CR6 _____	Expiration date (if any) ___ / ___ / _____
	Employment Authorization Card form I-766 or I-688B: Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g.: A09, (a)(9), C08, (c)(8), _____	Category code[e.g. A05, (a)(5)] _____ OR Provision of law (e.g. ["8 C.F.R. § 274a.12(a)(5)"] _____
	USCIS Notice of Action or Notice of receipt form I-797: Yes <input type="checkbox"/> No <input type="checkbox"/>	Receipt number: Starts with: MSC, ESC, LIN + 10 digits _____	
	SAVE Clearance (515WX) Requested: Yes <input type="checkbox"/> No <input type="checkbox"/> Scanned and Indexed: Yes <input type="checkbox"/> No <input type="checkbox"/> ----- SSA 40 Quarters match Yes <input type="checkbox"/> No <input type="checkbox"/>	Class of admission (COA) as well as any description of the client's immigration status indicated in SAVE: COA (e.g. IR6, IR0, CR6) _____ Date of Entry: _____ Date of status: _____	

Additional comments:
