



June 21, 2019

Submitted via [www.regulations.gov](http://www.regulations.gov)

Office of General Counsel, Rules Docket Clerk  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

Re: HUD Docket No. FR-6124-P-01, RIN 2501-AD89 Comments in Response to Proposed Rulemaking: Housing and Community Development Act of 1980: Verification of Eligible Status

HUD Office of General Counsel:

I am writing on behalf of Freedom Network USA (FNUSA) in response to the Department of Housing and Urban Development's (HUD) proposed rule to express our strong opposition to the changes regarding "verification of eligible status," published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01). Over the last 18 years FNUSA has seen the critical role that access to safe housing has on the wellbeing of survivors of human trafficking. Barriers to housing heighten the vulnerability of survivors and can potentially lead to re-trafficking. We urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

FNUSA, established in 2001, is a coalition of 68 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the US. Since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA), FNUSA members have worked closely with survivors of human trafficking to ensure that they receive the full array of legal and social services needed, and that they are engaged in ensuring effective implementation of the law. FNUSA members include: survivors who experienced both sex and labor trafficking in the US, prosecutors who have criminally prosecuted sex and labor trafficking cases, civil attorneys who have brought cutting-edge lawsuits against traffickers, criminal attorneys who have represented survivors wrongly charged with a crime, immigration attorneys who have represented hundreds of individuals granted T and U visas, and social service providers who have assisted thousands of survivors - both US citizens and foreign nationals, minors and adults, across the gender spectrum. Cumulatively, our members serve over 2,000 survivors of human trafficking in the US each year.<sup>1</sup> As the largest network of providers working directly with trafficking survivors in the US, we are uniquely situated to evaluate the impact of US government efforts to address human trafficking, identify challenges, and propose solutions.

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<sup>1</sup> Freedom Network USA 2018 Member Report, <https://freedomnetworkusa.org/app/uploads/2018/04/FRN-Member-Report-Digital-FINAL.pdf>, p. 3.

Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide,<sup>2</sup> FNUSA recognizes that the proposed rule is an attack on immigrant families.<sup>3</sup> We all share the concern that millions of US households struggle to find affordable housing in the ongoing nationwide housing crisis, however, blaming immigrant families will not fix this problem. HUD's own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance as a result of the rule.<sup>4</sup> The real issue is the lack of sufficient funding to ensure that every family, regardless of immigration status, has access to one of the most basic of human rights - a safe place to live.

Trafficking survivors have, by definition, suffered a financial crime.

Trafficking survivors have been robbed of their earned income by the traffickers who have exploited and abused them. Trafficking survivors have been exploited by recruiters, employers, and poorly regulated labor sectors that regularly leave them in debt and struggling to support their families while pursuing justice. Human trafficking survivors generally do not self-identify as trafficking victims. Most are unfamiliar with the crime, many fear retaliation from the traffickers against themselves or their family members both in the US and abroad. Many believe that they will not be protected by government officials or law enforcement. Therefore, human trafficking survivors generally do not report the crimes committed against them for many years, while they are also often victims of other forms of crimes, from domestic violence and sexual assault, to theft and extortion. Thus, foreign national survivors of human trafficking remain extremely vulnerable both during their trafficking experience and in the time after their escape. Due to the financial exploitation, housing is a critical component in the response to, and prevention of, human trafficking.

Survivors of human trafficking will be severely and disproportionately harmed by HUD's proposed rule.

Traffickers are well-aware of the individual's vulnerabilities, including lack of housing, and utilize these to exploit them for economic gain. Many foreign national trafficking victims enter the United States through legal means, and are then exploited through debt bondage, threats of deportation and other forms of coercion. Traffickers also lure undocumented workers already in the US with false promises of obtaining legal status for them. Traffickers keep immigrant survivors in a state of isolation, poverty, and condition them to fear retaliation not only for trying to flee, but from seeking help. Additionally, they control survivors by confiscating their

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<sup>2</sup> Tracy Jan, *Trump Proposal Would Evict Undocumented Immigrants from Public Housing*, WASH. POST (Apr. 18, 2019), [https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm\\_term=.c6fd40565b83](https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.c6fd40565b83).

<sup>3</sup> See, e.g., NAT'L IMMIGRATION L. CTR., *Understanding Trump's Muslim Bans* (updated Mar. 8, 2019), <https://www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/>; Michael D. Shear & Emily Baumgaertner, *Trump Administration Aims to Sharply Restrict New Green Cards for Those on Public Aid*, N.Y. TIMES (Sept. 22, 2018), <https://www.nytimes.com/2018/09/22/us/politics/immigrants-green-card-public-aid.html>; Dan Lamothe, *Pentagon Will Shift an Additional \$1.5 Billion to Help Fund Trump's Border Wall*, WASH. POST (May 10, 2019), [https://www.washingtonpost.com/national-security/2019/05/10/pentagon-will-shift-an-additional-billion-help-fund-trumps-border-wall/?utm\\_term=.37360e7cda10](https://www.washingtonpost.com/national-security/2019/05/10/pentagon-will-shift-an-additional-billion-help-fund-trumps-border-wall/?utm_term=.37360e7cda10); REUTERS, *Exclusive: Trump Administration Proposal Would Make It Easier to Deport Immigrants Who Use Public Benefits*, N.Y. TIMES (May 3, 2019), <https://www.nytimes.com/reuters/2019/05/03/us/politics/03reuters-usa-immigration-benefits-exclusive.html>.

<sup>4</sup> HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01 (Apr. 15, 2019).

immigration documents. As a result, current and future survivors will be vulnerable to eviction, or denied services, under the proposed rule which requires proof of immigration status.

Access to safe, affordable housing is critical to a survivor's ability to exit their trafficking situation.

For some, their basic survival relies on access to housing. If the proposed rule goes into effect, ineligible survivors and their eligible children who are trying to escape a trafficking situation will be trapped in a false “choice” - being homelessness or remaining in a trafficking situation. Those already living in subsidized housing who are evicted will have a greater risk to their safety and may be susceptible to re-trafficking. Financial security, and affordable housing in particular, are critical to increasing survivors' chances of escape, recovery, and prevention of future abuse.

Without adequate housing, survivors will have tremendous difficulty accessing services.

Notifications of critical appointments and court hearings may never reach them, and they may struggle to access evidence needed for legal matters involving immigration, child custody, or protection orders. If a survivor is homeless and cannot effectively participate in her immigration case, the consequence could be permanent loss of child custody and return to her home country to face dangerous circumstances. Legal access can also be instrumental in helping victims find long term safety.

Trafficking survivors will be routinely denied housing under this rule.

Even trafficking survivors who have been identified, have reported their victimization to law enforcement, and are pursuing immigration relief will be denied housing under this rule, due to the policies and procedures enacted by other Federal Government agencies. The US Department of State, in the 2019 Trafficking in Persons Report, calls on the US Government to “[s]horten processing times and improve training for adjudicators to reduce obstacles for victims to obtain trafficking-related immigration benefits.”<sup>5</sup> The report goes on to describe the reduced access to immigration remedies (including Continued Presence and T Visas)<sup>6</sup>, the long delays in T Visa adjudications (currently ranging from 17.5 to 34 months)<sup>7</sup>, and survivors increasing fear of reporting their trafficking experience to law enforcement<sup>8</sup>. Thus, even survivors who report their victimization to law enforcement may be unable to produce qualifying immigration documentation for more than 3 years after escaping their trafficking situation. Trafficking survivors who are too afraid, traumatized, or distant from services may be denied access for decades. Denying critical housing access to survivors for such an extended period of time clearly contradicts the Trafficking Victim Protection Act's mandate to provide services and support to trafficking survivors in order to support their ability to cooperate with law enforcement and recover from the crime.

Recommendation

FNUSA urges HUD to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen - rather than undermine - the ability of survivors to support themselves and their families in the future. If we want our communities to thrive, everyone in

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<sup>5</sup> Department of State, 2019 Trafficking in Persons Report [hereinafter TIP Report] at 484, available at <https://www.state.gov/reports/2019-trafficking-in-persons-report/>.

<sup>6</sup> Id. at 486.

<sup>7</sup> USCIS T Visa Processing Times, <https://egov.uscis.gov/processing-times/>, accessed on 6/21/19.

<sup>8</sup> TIP Report at 488.

those communities must be able to get the care, services and support they need to remain healthy and productive.

Please do not hesitate to contact me at [jean@freedomnetworkusa.org](mailto:jean@freedomnetworkusa.org) if you have any questions or need any further information or explanation.

Sincerely,

A handwritten signature in black ink that reads "Jean Bruggeman". The signature is written in a cursive style with a long, sweeping underline.

Jean Bruggeman  
Executive Director  
Freedom Network USA