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**[Two Disasters: Katrina & The INS](#)**

By Donald Kerwin

Before Hurricane Katrina hit, an estimated twenty to thirty-five thousand undocumented immigrants lived on the Gulf Coast. In the weeks following the disaster, the Department of Homeland Security (DHS) refused to provide assurance that undocumented individuals who sought government aid would not be deported. Instead, DHS announced that it would not “turn a blind eye” to violations of the law and would take a “case by case” approach to “illegal aliens.” The results were predictable. In Long Beach, Mississippi, federal officials demanded that undocumented residents leave a Red Cross shelter or be deported. In El Paso, Texas, DHS initiated deportation proceedings against three Gulf Coast evacuees.

As a consequence, needy immigrants in the Gulf region did not seek emergency aid. (Although the undocumented do not qualify for food stamps and federal cash assistance, they can receive short-term, noncash disaster relief like emergency shelter, medical care, food, and water.) As Homeland Security officials surely know, most immigrants will not seek help if doing so might lead to deportation. Nor will they come forward to report crimes, share information regarding potential terrorist threats, or inform officials of a potential public-health emergency.

Five years ago, in the aftermath of 9/11, immigration officials took a more compassionate approach. Ten days after the attacks, the commissioner of Immigration and Naturalization Service (INS) made an announcement to immigrants who had lost loved ones. They need not fear coming forward to identify their relatives, he said; they would not be arrested or deported. (Family members of undocumented workers were also later included in the 9/11 compensation package.) Why did the government decline to make a similar offer of amnesty to victims of Katrina? Part of the answer lies in the decision to place INS and the Federal Emergency Management Agency (FEMA) under the control of the newly formed DHS. In the rush to create a government agency to help prevent further terrorist attacks, the administration failed to recognize the potential conflicts created by charging one organization with both humanitarian relief and immigration enforcement. Unfortunately, the Katrina tragedy has made this problem all too clear.

DHS was created to streamline the management of numerous government organizations. At the time, immigrant advocates cautioned that placing immigration services within a security agency could send the message that foreign-born individuals were inherently a threat. Advocates also worried that DHS would focus its energies on enforcement activities at the expense of the important job of awarding legal status to qualifying immigrants. To be fair, few people at the time anticipated the problems that could result from having DHS handle both immigration services and disaster

relief. Earlier this month, several senators including Trent Lott (R-Miss.) and Hillary Clinton (D-N.Y.) called for making FEMA independent of DHS, but the Republican majority seems unlikely to approve such a move. Another Senate proposal would do away with FEMA and replace it with a new agency called the National Preparedness and Response Authority, which would remain under the auspices of DHS.

DHS policies have also adversely affected the immigrants who are new to the Gulf Coast: workers hired for the rebuilding effort. In tacit recognition that immigrants would be needed to assist in the cleanup of the region, DHS initially announced that it would not sanction employers for hiring undocumented workers. President George W. Bush also temporarily suspended the Davis-Bacon Act, which requires employers to pay the “prevailing” community wage in federally funded contracts.

Not surprisingly, immigrant laborers-many of them undocumented-migrated to the Gulf Coast in massive numbers. Yet despite the generous promises of labor contractors, many workers have suffered gross labor abuses, including unpaid wages, substandard housing, and unsafe working conditions. Like the immigrants displaced by Katrina, many fear seeking help lest they be deported.

The realistic solution to this problem is also the humane one. The Gulf Coast area-with its 99,000 square miles of devastation, thousands upon thousands of destroyed homes, and \$125 billion in damages-cannot be rebuilt without immigrant labor. DHS should provide temporary work visas to undocumented laborers so that they can assist with cleanup and reconstruction. The government should also provide temporary legal status to undocumented immigrants displaced by the disaster. Such an approach would not be without precedent. The United States regularly offers “temporary protected status” to people from countries that have been ravaged by war or natural disaster.

Immigrant labor is in demand throughout the United States, not just in the Gulf Coast region. Legislators need to find ways to set these workers on a path toward legalization-and, by extension, into U.S. society. There are 12 million undocumented immigrants living in the United States. The Senate is currently considering proposals that would allow them to “earn” permanent residency if they work for a certain number of years, demonstrate good moral character, learn English, and pay a fine. It is unclear what action the Senate will take. Thankfully, the Bush administration and a bipartisan group of senators have distanced themselves from the harsh immigration legislation passed by the House of Representatives last December, which would make it a crime simply to be an undocumented person. Most observers agree that attempting to prosecute and deport large numbers of immigrants would be both impractical and inhumane. The Senate should agree on a comprehensive bill that provides a path to legal status for such workers. Such legislation would serve the needs of the Gulf Coast and the good of the nation.

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[http://www.commonwealmagazine.org/article.php3?id\\_article=1644&var\\_recherche=kerwin](http://www.commonwealmagazine.org/article.php3?id_article=1644&var_recherche=kerwin) (must register)]

### **New Orleans ICE Counsel Contact Information**

**Effective immediately, use the following address and phone numbers for all correspondence:**

U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
Office of the Chief Counsel  
1250 Poydras, Rm 325  
New Orleans, LA 70113

### **The new phone numbers are as follows:**

General Number: 504-599-7938  
Fax: 504-589-2661  
Stan Weber, Deputy Chief Counsel: 504-599-7934  
Charlotte Marquez, Assistant Chief Counsel: 505-599-7843

### **TX Service Center Closes P.O. Box for Foreign Student Short Term EADs**

On April 28, 2006, the USCIS announced that it has closed the Hurricane Katrina Post Office Box at the Texas Service Center. The P.O. Box allowed foreign students affected by the Hurricane to immediately file for short-term

employment authorization. The short-term employment authorization program for hurricane impacted foreign students has now expired. Foreign students requesting employment authorization should follow the instructions for filing I-765 applications on the USCIS website: [www.uscis.gov/graphics/formsfee/forms/i-765.htm](http://www.uscis.gov/graphics/formsfee/forms/i-765.htm)

### **Hurricane Preparedness Exercises Hosted by DHS**

On May 4, 2006, the Dept. of Homeland Security, announced that it is beginning the first of 5 regional hurricane preparedness exercises to test improvements made since last year's hurricane season, which officially begins June 1<sup>st</sup>.

The exercises will focus on evacuations, sheltering, National Response Plan implementation, and National Incident Management System activation. George Foresman, Under Secretary for Preparedness, said that hurricane preparation responsibilities will be shared among local, state, and federal agencies and non-governmental partners and private industry. These groups will train together in the exercises to ensure that the roles and responsibilities are understood at all levels.

The first preparedness exercise was in Philadelphia on May 3-4 and involved the mid-Atlantic states. Exercises will be held in New Orleans on May 17-18 involving Louisiana and Arkansas and on May 31-June 1 in Atlanta, involving AL, FL, GA, KY, MS, TN and North and South Carolina.

For more information on the exercises, visit: [www.dhs.gov/hpe](http://www.dhs.gov/hpe). This announcement was issued from the Office of the Press Secretary for Preparedness at DHS (202) 282-8010.

### **Answers to Post Katrina Insurance and Re-building Questions**

Many of the immigration programs along the Gulf Coast report that housing continues to be the number one issue for Gulf Coast residents and persons seeking to return to their former homes. There is an excellent website that hosts questions and answers to specific insurance coverage questions and questions about the Louisiana Recovery Act "Road Home" program to repair, rebuild or sell a prior home. The website can be accessed through: [www.justicefornorleans.org](http://www.justicefornorleans.org). Click on "Katrina Insurance Questions and Answers." This will lead you to "The Answer Spot" by the Times-Picayune ([www.nola.com](http://www.nola.com)).

### **Evacuees About to Lose Housing Assistance**

A FEMA spokesman in Austin confirmed that about 7,000 of the 36,000 New Orleans evacuees in Houston and elsewhere are about to lose rental vouchers because they don't qualify for longer term federal housing assistance. New Orleans housing advocates are concerned that many of these people may return to New Orleans where there is little to no affordable housing.

Advocates for The Peoples' Hurricane Relief Fund and Oversight Coalition called upon Mayor Ray Nagin and Louisiana Lt. Gov. Mitch Landrieu to stabilize rental assistance for New Orleans evacuees where they are currently living or open more affordable housing in New Orleans.

The lack of low-cost housing is one of New Orleans most serious problems. Fewer than 1,000 public housing units have reopened; before Hurricane Katrina, the city had 14,000 units.

Most families are ineligible for additional housing assistance due to deficiencies in paperwork, or because FEMA believes that their New Orleans homes are habitable. Houston Mayor Bill White has questioned FEMA's eligibility requirements and sent building inspectors to New Orleans to document wrecked houses that FEMA said could be lived in. Others are ineligible for further housing aid because they were homeless in New Orleans before the storm.

[source: Times-Picayune, May 11, 2006, "Eviction critics fear evacuee influx"]

### **FEMA to Take Over Houston Voucher Program For Katrina Evacuees**

On April 24, 2006, notices went out to Katrina evacuees in Houston receiving FEMA rent payments that Houston's voucher program is about to end. FEMA will be taking over the payment of rents to landlords which was previously handled by the city of Houston's Joint Hurricane Housing Task Force. The notices provided information to people regarding who is eligible to continue receipt of the FEMA vouchers under the new FEMA rules. To access the notice go to: [www.femaanswers.org](http://www.femaanswers.org) and click on "Recent Updates" or you can go to: [www.houstonhurricanerecovery.org](http://www.houstonhurricanerecovery.org) or call 713-715-6500 for more information.

### **Louisiana Recovery Authority Plan to Rebuild Homes and Rental Properties**

On April 26, the Louisiana Recovery Authority (LRA) approved a plan to give homeowners in hurricane-affected areas – up to \$75,000 as a down payment on the \$150,000 ceiling per home – if Congress agrees to an additional \$4.2 billion in recovery relief for Louisiana. The Louisiana Legislature must approve the LRA plan and then the plan goes on to Congress for final consent. Congress is expected to decide by Memorial Day. If approved, Louisiana Governor Kathleen Blanco said homeowners probably would begin receiving checks this summer.

Hurricanes Katrina and Rita destroyed or severely damaged more than 122,000 homes owned by the occupants. Governor Blanco wants to spend \$7.5 billion to rebuild, repair and buy out homes, plus \$1.5 billion to create affordable rental units. The ceiling on homeowner assistance would be \$150,000. The amount due each homeowner will be calculated by factoring the cost of the damage and the pre-Katrina value of the home. Owners who sell to the state would get 60 percent of their homes' pre-storm value. In calculating assistance, insurance payments and aid from the Federal Emergency Management Agency would be deducted. Homeowners who lived inside the flood plain and did not have flood insurance would have to take a 30 percent reduction on their grant package, but state officials have stressed that affordable loans would be available to ensure those families can rebuild.

The plan also includes a blueprint for rebuilding rental property in addition to the homeowner proposal. In terms of rental properties, the state wants to create affordable rental units through \$1.7 billion in low-income tax credits and \$1.5 billion in funding.

The rental plan focuses on landlords who owned 10 or fewer units, which characterizes the majority of landlords in New Orleans. The state wants to offer no-interest loans with the amount determined by the level of rent a landlord plans to charge.

Property owners who agree to charge the lowest rents would be eligible for up to \$75,000 per unit. The next tier would be up to \$50,000 per unit, and the final tier would be up to \$25,000 per unit.

Some argue that this funding is insufficient to replace the stock of rental housing needed to permit most residents to return. The hurricanes destroyed or severely damaged 82,000 rental properties. Blanco has committed \$7.5 billion in federal funds to the homeowner assistance program, but only a little more than \$1.6 billion for rental reinvestment.

Under the housing portion of the plan, state or local authorities might limit or ban rebuilding in areas where a "high proportion" of homeowners choose not to return. That would allow the state to drive decisions on which neighborhoods to raze. The plan does not define "high proportion." LRA executive director Andy Kopplin has said he thinks people should be allowed to rebuild unless about 80 to 90 percent of homeowners in their area want to move.

So far, about 65,000 people have pre-registered for the state's housing plan. Of the 15,000 who registered through the Internet, 59 percent said they want to repair their damaged homes, 15 percent want to rebuild, another 15 percent are undecided, and the remaining 11 percent want the state to buy their property. Telephone registrations also are being accepted. The number is (888) 762-3252. Residents also can register at the open houses.

[source: Capitol News Bureau, April 27, 2006, by Michelle Millhollon]

*To sign up to receive this electronic newsletter, contact Maura Collins at [mcollins@cliniclegal.org](mailto:mcollins@cliniclegal.org) or visit [clinic.kintera.org/katrina](http://clinic.kintera.org/katrina) to subscribe online.*