

# A Fair Housing Guide:

## IMMIGRATION STATUS



As of **January 1st, 2024**, Immigration Status is protected under the Illinois Human Rights Act. **Immigration Status** is defined as “a person's actual or perceived citizenship or immigration status.”

### Some examples of Immigration Status include:

- Native-born or naturalized U.S. citizens
- Permanent residents
- Asylees and refugees
- Work, school, or travel visa holders
- Temporary Protected Status (TPS)
- Deferred action recipients
- Deferred Action for Childhood Arrival (DACA) recipients
- Undocumented individuals

Under this new protection, housing providers are prohibited from using a person's “immigration status” to discriminate against them when renting an apartment, buying a home, applying for a mortgage, or receiving housing-related services.

### WHO IS PROTECTED?

The **Federal Fair Housing Act** protects the following classes from discrimination in housing:

- Race
- Color
- Religion
- Sex\*
- National origin
- Disability
- Familial Status\*\*

The **Illinois Human Rights Act** provides additional protections based on:

- Ancestry
- Pregnancy
- Sexual Orientation
- Gender Identity
- Order of Protection Status
- Age (40+)
- Military Status
- Arrest Record
- Source of Income
- Immigration Status

\*includes sexual harassment

\*\*includes pregnancy status

### UNDER THE NEW LAW, LANDLORDS CANNOT:

- Ask applicants for proof of citizenship status
- Make discriminatory statements, such as “US citizens only”
- Publish discriminatory ads expressing a preference for non-immigrant renters
- Threaten to call U.S. Immigration and Customs Enforcement (ICE)
- Discourage or limit housing choices to prospective tenants based on immigration status
- Set higher application fees or different terms and conditions for immigrant applicants

## YOU ARE ALSO PROTECTED UNDER FEDERAL LAW...

Immigration Status discrimination can also be connected to your National Origin.

The Federal Fair Housing Act protects you from being discriminated against based on your national origin, which includes your *ancestry, ethnicity, birthplace, culture, or language.*

### Examples of discrimination by a housing provider may include:

- Charging you a higher rent because of your ethnicity
- Not returning your calls because you speak with an accent from a different country.
- Refusing to rent to you because you are a refugee

## IF YOU BELIEVE YOU HAVE FACED HOUSING DISCRIMINATION...

**Contact** HOPE Fair Housing Center.

**Document** meetings, phone calls, and requests made with housing providers, property managers, real estate agents, and other involved parties.

**Save** all email, mail correspondence, receipts, copies of applications, business cards, and other documents.

To learn more about your rights under this new protection visit IDHR's website <https://dhr.illinois.gov/filing-a-charge/faq-immigrationstatus.html>

## What information might I need when applying for housing?

Housing providers should not ask you about your "immigration status," except in limited situations such as when they are required to do so to comply with state or federal laws.

Housing providers are still able to request identification or run background and credit checks, as long as they do so equally with all applicants. If you cannot provide them with the exact identification they are requesting, they should allow you to provide other forms of identification.

Alternatives can include:

- Driver's licenses, state identification cards, or municipal identification cards;
- Consular identification cards, U.S. or foreign passports;
- Individual tax identification numbers ("ITIN")

## What if I do not have a Social Security Number or ITIN?

Housing providers should have a screening process that includes alternatives for evaluating applicants who do not have a social security number or ITIN.

A housing provider can use the following to determine your ability to pay rent:

- Prior rent or utility payment history
- A reference from an earlier housing provider
- Current income data
- Housing Subsidy (like a housing voucher)
- Other household assets (i.e. savings)

Information in this handout was adapted from the Illinois Department of Human Rights website.