

# **IN THE EYE OF THE STORM: HOW THE GOVERNMENT AND PRIVATE RESPONSE TO HURRICANE KATRINA FAILED LATINOS**

By Brenda Muñiz\*

## **INTRODUCTION**

Diana E. \*\* awoke the morning of August 30, 2005 relieved, like many New Orleans residents, that the city had apparently survived the worst of Hurricane Katrina and sustained little wind damage. She was cleaning up what little debris had accumulated when she and her neighbors noticed muddy water quickly flooding their previously dry street. An hour later, the water had risen to nearly a foot. Concerned for her safety and that of her mother and two-year-old son, Diana attempted to drive away but only made it a few blocks before her car was overwhelmed by the current. She waded through the water, which ultimately rose to her chest, with her son on her shoulders in search of higher ground. Frightened by the prospect that the water would continue to rise, she placed her driver's license in her son's pants pocket in case they became separated. Fortunately, Diana was soon rescued by an engineer at a local convent, where she and her family would stay for a few days until they could be reunited with other family members.

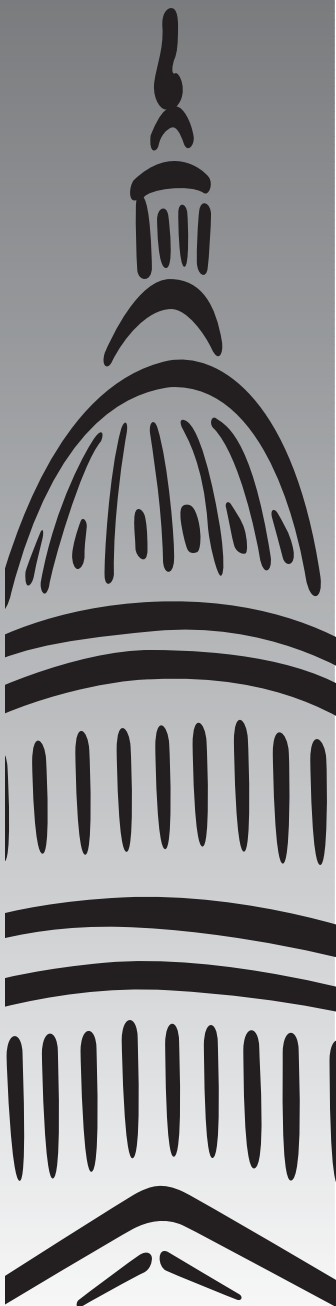
Diana's story is typical of many New Orleans residents who battled the flood waters after the levee system failed to protect the city and who are subsequently struggling to rebuild their lives. Of Honduran origin, Diana is also representative of the growing, diverse Latino \*\*\* population that has changed the demographic character of many cities and regions throughout the U.S., especially the South. According to U.S. Census data, between 1980 and 2000, the Latino population grew from less than 6% to more than 13% of the total U.S. population. Nowhere was this growth more evident than in the South and Southeast regions of the country. In particular, between 1990 and 2000 North Carolina and Georgia experienced the biggest increase in Latino population in the U.S. at 393.9% and 299.6%, respectively.<sup>1</sup> This Latino diaspora represents a strong, emerging Hispanic population in regions of the country where Hispanics had not been a large presence previously.

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\*\* Full name of hurricane survivor has been withheld to protect her privacy.

\*\*\*The terms "Latino" and "Hispanic" are used interchangeably by the U.S. Census Bureau and throughout this report to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, and Spanish descent; they may be of any race.



The Latino population in the states affected by Katrina – Alabama, Mississippi, and Louisiana – increased by 207.9%, 148.4%, and 15.8%, respectively, between 1990 and 2000.<sup>2</sup> In 2003, approximately 230,000 Latinos from various backgrounds lived in the tri-state area, including about 100,000 Mexicans/Mexican Americans.<sup>3</sup> Some consular estimates place the figure of Latinos living in the affected area, particularly in New Orleans, at much higher. The Honduran Consulate, for example, estimated that up to 140,000 Hondurans and their descendants lived in and around New Orleans alone, representing the largest Latino subgroup in that area and the largest Honduran population outside Honduras.<sup>4</sup> A large number of Hondurans moved to the New Orleans area after Hurricane Mitch in 1998, drawn primarily to jobs in construction and hospitality.

This dramatic growth in the Latino population, accompanied by that of other groups, stresses the importance of recognizing the ethnic, cultural, and economic makeup of a given region in order to assess the prospective needs and challenges of those in a potential disaster area.<sup>5</sup> What transpired in the aftermath of Hurricane Katrina underscores in many ways the failure of public and private disaster relief institutions to respond adequately to rapid demographic changes. Should a public health crisis occur, such as an outbreak of a communicable disease, the public's confidence and cooperation would be critical to containment. Latinos, especially immigrants, should know that coming forward to government authorities during a crisis, whether it is natural or man-made, is in their best interest. If the government and private relief agencies fail to convince a segment of the nation's largest minority that they are not a safe source of preventive care and treatment or credible information, they have effectively undermined their ability to keep the country safe and healthy.

The purpose of this white paper is to explore the failure of public and private agencies to respond adequately to changing demographics and how this particularly affected their ability to serve Latinos in the post-Katrina relief and recovery effort. Specifically, the report analyzes how Congress, the Administration, key government agencies, and the American Red Cross (referred to as "ARC" throughout the report) hindered and many times prevented Latino evacuees from receiving necessary relief services. The report focuses on ARC because it is the only private relief agency explicitly assigned to providing mass care under the federal government's National Response Plan (NRP) and because it received 60% of all hurricane-related donations totaling approximately \$1.8 billion.<sup>6</sup> Additionally, this paper highlights the government's current lack of oversight of federal contracts in the rebuilding process and how it has created an environment where workers, many of whom are Latino immigrants, are easily exploitable and subject to environmental health hazards. Finally, the report provides recommendations to government, policy-makers, and private relief organizations on how to be better prepared to meet the needs of a diverse population of Americans in the next disaster.

## THE FEDERAL GOVERNMENT'S ROLE IN PREPAREDNESS, RESPONSE, AND RELIEF

The responsibility of preparing for a disaster and providing relief is shared among a variety of federal entities – the White House; the Department of Homeland Security (DHS), which houses the Federal Emergency Management Administration (FEMA); and Congress – along with state and local agencies. Lack of flexibility during the Katrina response phase resulted in inadequate relief for many Latinos because the Administration and relevant agencies, primarily FEMA and DHS, were rigid and inconsistent in interpreting, modifying, and communicating policy. Congress also failed either to revise or temporarily suspend policies and laws that effectively or intentionally barred relief aid to Latino immigrant families. This section highlights how FEMA failed to prepare for and respond to the needs of Latinos effectively, preventing some from accessing assistance; how Congress failed to enact legislative measures providing relief to legal immigrants whose status or eligibility for disaster relief services was compromised by Katrina; and how the Administration created an environment of distrust where immigrant hurricane survivors could not access services without fear of detention or deportation. Specifically:

- **FEMA's planning for and response to diverse populations.** The consensus reached by many, including the American public, is that FEMA's performance in the aftermath of Katrina was woefully inadequate – a perception fueled by media reports describing FEMA's inability to get critical supplies, such as water and medical supplies, to victims in a timely manner and its failure to evacuate survivors out of the affected areas.<sup>7</sup>

In preparing for a disaster like Hurricane Katrina, FEMA did not implement a comprehensive strategy to address the special needs of Latino immigrant communities, which undermined its efforts to reach out and serve all hurricane victims. While experts agree that these needs should be addressed fully in emergency preparedness plans at the local, state, and federal levels, they seldom are, despite the growing number of Latinos and immigrants throughout several parts of the country.<sup>8</sup> The NRP, which “forms the basis of how the federal government coordinates with state, local, and tribal governments and the private sector during [emergency] incidents,” does, however, attempt to meet these needs.<sup>9</sup> In fact, the NRP designates FEMA as the primary agency responsible for external relations (also known as emergency support function ESF #15) responsible for “ensur[ing] that non-English speaking populations in both affected and nonaffected areas receive the same [disaster] incident information and public instructions.”<sup>10</sup>

FEMA's inability to fulfill this responsibility resulted in poor interactions between Latinos and FEMA during the Katrina response effort. An article in the *Los Angeles Times* reported that FEMA assumed Latino residents living at the Redwood Park Apartments in Kenner, Louisiana (a suburb of New Orleans) were undocumented and, therefore, ineligible for housing assistance.<sup>11</sup> The apartments, which were severely damaged and lacked potable water and electricity, housed

many immigrants from Honduras, Mexico, Nicaragua, and El Salvador. Because FEMA believed the residents were undocumented, it failed to prioritize these residents for assistance. A FEMA spokesperson defended the action by saying, “Part of the problem with the Hispanic community is that if you are illegal, you cannot apply for housing.”<sup>12</sup> Upon further investigation, however, many of the residents of the apartment complex, which was subsidized by the Department of Housing and Urban Development (HUD), were determined to be legal immigrants and, consequently, many of them would have been eligible for FEMA housing assistance.

The above story illustrates the incompetence that plagued FEMA during the response phase. The report from the House Committee charged with investigating the preparation for and response to Katrina cited 90 findings of failure at all levels of government.<sup>13</sup> The report finds that FEMA’s lack of preparedness, among other things, resulted in a breakdown of operations and an ultimate “abdication of the most solemn obligation to provide for the common welfare” – an abdication that left out many Latino immigrant communities during response efforts. Specifically:

- ❖ **Eligibility guidelines for FEMA-administered benefits lacked clarity.** Because U.S. citizen and legal resident Latinos are often presumed to be “illegal,” many are denied or discouraged from seeking assistance that they are fully entitled to. FEMA not only made assumptions about immigration status, but in so doing neglected to ensure that victims, such as those residing at the Redwood Park Apartments, knew of their eligibility and received the necessary information to apply for FEMA assistance.

Furthermore, while undocumented persons are generally eligible only for emergency, short-term, non-cash assistance and private assistance, such as food, water, medical care, shelter, and clothing, many immigrant families are composed of members of various immigration statuses, including citizen children who are eligible for benefits. In those households, family members can apply for services on behalf of those who qualify for additional relief.<sup>14</sup> Not surprisingly, many families may have been unaware of their ability to apply for FEMA-administered benefits on behalf of their U.S. citizen children and other eligible family members, which may explain, in part, the limited interface between Latinos and FEMA and the reportedly small pool of Latino applicants.<sup>15</sup> In addition, some may have feared that they would have been detained while seeking benefits, a belief spurred by reports that immigration enforcement officials were standing outside of FEMA offices.

- ❖ **Access to FEMA temporary shelter was not made available to all immigrants.** In the event of a disaster, moving victims out of damaged, uninhabitable areas and protecting the public’s health are priorities over any consideration of immigration status. And yet, as the *Los Angeles Times* story illustrates, FEMA neglected to provide temporary emergency housing or shelter to Latinos it mistakenly presumed were undocumented, which raises serious concerns on civil rights and humanitarian grounds, especially since FEMA’s eligibility rules do not preclude undocumented immigrants from accessing emergency shelter

services.<sup>16</sup> Immigrants, including the undocumented, who were unfairly denied FEMA-funded shelter, could have sought shelter through private agencies, primarily ARC; however, the failure to prioritize all victims for evacuation and shelter set a bad precedent that not only placed hurricane victims in harm's way, but could also potentially interfere with future response operations, especially during large-scale crises. Furthermore, agencies such as ARC did not always receive immigrants well at their shelters (See "Red Cross Shelter Raids" Box on page 13), leaving many immigrant families to fend for themselves after the hurricane struck.

### **HURRICANE WARNINGS: DO THEY REACH EVERYONE?**

**D**issemination of weather information in languages other than English and through ethnic media channels rests primarily on the willingness and ability of local weather forecasting offices and the availability of ethnic media outlets, mainly television and radio stations.\* Unfortunately, when hurricane warnings are not provided in different languages, the results can be tragic. Approximately 70 to 80 Jamaican, Peruvian, and Brazilian immigrants who were employed as casino service workers in Gulfport, Mississippi, were left by their employer at the apartment complex where they resided.\*\* The workers reportedly had no access to transportation, and while local television stations advised residents to evacuate and directed them to shelters, none of these advisories were provided in Spanish or Portuguese. A few days later, a few Jamaican immigrants were searching under the debris where the apartments once stood looking for their co-workers who were missing and presumed dead.

On a positive note, Radio Tropical (1540 AM), the only Spanish-language radio station in the New Orleans area, advised residents to flee before Katrina made landfall. Days later, the station, powered only by a small generator, returned to the air providing residents with information about family members and disaster relief assistance. A petition before the Federal Communications Commission (FCC) on behalf of the Independent Spanish Broadcasters and others requests that significant changes be made to the Emergency Alert System (EAS), a "...distribution system that provides for the mandatory dissemination of Presidential messages during a national emergency," to ensure that radio stations, such as Radio Tropical, can transmit emergency warnings to non-English-speaking persons.\*\*\* If local government and traditional media outlets are unable to adequately warn people and provide them evacuation information in languages and formats that are accessible during those critical hours before a disaster, the federal government must shoulder more responsibility to prevent tragedies.

\* Interview with official at the National Weather Service, January 6, 2006.

\*\* Congressional testimony submitted by Mississippi Immigrant Rights Alliance and Oxfam America before the House Select Committee Hearing, *Hurricane Katrina: Voices from Inside the Storm*, Washington, DC, December 6, 2005.

\*\*\* Petition before the FCC in the matter of: Review of the Emergency Alert System, EB Docket No. 04-296, Washington, DC, September 20, 2005.

- **Congressional consideration of immigrant-related issues.** DHS estimated that more than 130,000 legal immigrants (not including potentially thousands of immigrants who are naturalized citizens) may have been directly affected by Hurricane Katrina.<sup>17</sup> In the aftermath of Katrina, many legally-present immigrants faced the possibility that they would become unauthorized or that they would be unable to access benefits regardless of their legal status. Congress took steps to address the needs of hurricane victims, but gaps remained. For example:
  - ❖ **Eligibility rules for legal immigrants during a disaster were not temporarily suspended for hurricane victims.** As hurricane evacuees began applying for federal assistance, uncertainty about eligibility of immigrants for federal public assistance persisted for many reasons:

First, only certain legal immigrants referred to as “qualified aliens,” which include legal permanent residents (LPRs), are eligible for cash assistance and other federal programs, such as food stamps, housing assistance, Social Security benefits, and unemployment insurance, among others.<sup>18</sup> This classification excludes other legally-present immigrants, such as those with Temporary Protected Status (TPS), which includes many Honduran immigrants and farmworkers with H-2A work visas.

Second, “public charge” issues may have deterred otherwise qualified legal immigrants from seeking disaster relief because acceptance of assistance may have been widely viewed as having negative consequences, including inhibiting their ability to become LPRs or citizens as well as to petition for their family members. Public charge, a legal term, describes immigrants who have been identified as likely to become dependent on government assistance, based on the “totality of their circumstances,” including use of cash benefits. In general, while non-cash programs, such as housing, school lunch, job training, child care, shelters, and disaster relief do not result in a public charge, many immigrant families assumed they would make either themselves or their family members ineligible for permanent residency, in part, because the government failed to assure them that accessing such services would not count against them.<sup>19</sup>

Finally, even qualified immigrants, including children, are automatically barred from accessing federal means-tested public benefits, such as Temporary Assistance for Needy Families (TANF) and Medicaid, for the first five years after they enter the U.S. due to changes in the welfare system made via the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.<sup>20</sup> Several bills introduced in Congress would have enhanced state flexibility in administering federal programs, such as Medicaid, food stamps, and TANF, thereby expanding states’ capacity to serve the immediate needs of Hurricane Katrina survivors. For example, S. 1695, the “Hurricane Katrina Food Assistance Relief Act of 2005,” would have allowed legal immigrants to access food stamp benefits for six months regardless of the amount of time they had been in the country. None of these bills were considered by Congress.

When the five-year bar was included as part of a package of changes made through PRWORA in an attempt to overhaul the nation's welfare system, immigrants bore the brunt of cuts designed to create savings in the federal budget. However, in the event of an unforeseen disaster, such as Katrina, whose devastation results in serious economic hardship for victims, the bar serves no purpose other than to punish families in need because they happen to be legal immigrants who have not resided in the country for five years. Even if Congress chooses not to consider the permanent repeal of the bar, it should immediately take steps to specify the circumstances under which a waiver should be triggered to prevent immigrant families from being penalized twice – once for being an immigrant and twice for being a victim of a disaster.

- ❖ **Immigrant status problems resulting from Hurricane Katrina were never addressed fully.** Some legal immigrants discovered that they would be out of legal status because they had a pending application for legal permanent residence made on their behalf by a petitioner who died, or they had a work visa tied to an employer or school that no longer existed or became temporarily closed. Some legal immigrants and naturalized citizens also lost personal identification, such as naturalization certificates and employment eligibility documents, making it difficult to prove their legal or citizenship status and, therefore, hindering their ability to apply for benefits or seek employment. H.R. 3827, the “Immigration Relief for Hurricane Katrina Victims Act of 2005,” which was passed by the U.S. House of Representatives but never taken up by the Senate, would have provided continued eligibility for those applications tied to a family sponsor who died or became disabled as a result of the hurricane. Additionally, it would have provided a one-year extension to those workers, and their spouses and children, who hold temporary work visas\* (such as those provided for casino workers), but only if they became disabled as a result of Katrina. Unfortunately, the House measure provided no remedies for these temporary workers if they did not become disabled but nevertheless found themselves out of work because their employer went out of business, closed temporarily, or suffered severe physical damage.\*\*

The failure of Congress to address the employment gaps experienced by many temporary, legal immigrant workers illustrates some of the flaws of our current immigration system. Where once many workers were gainfully, legally

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\* Temporary nonimmigrant workers would include H-2A and H-2B visa holders who are allowed to come to the U.S. for a specific purpose and for a limited period of time. H-2A visas are allocated to unskilled agricultural workers while H-2B visas are designated for unskilled, seasonal nonagricultural workers.

\*\* Under H.R. 3827, immigrants applying for employment-based legal permanent residence (LPR) status and who lost his or her job because of Hurricane Katrina would have been allowed to stay in the country under “special immigration status” if he or she could demonstrate that the employer's business was physically damaged or destroyed. This provision was not extended to H-2A or H-2B visa holders.

employed and contributing to the local and state economy, these same workers are now out of legal status as a direct result of the storm and have joined the ranks of the undocumented.

### **RELUCTANCE OF IMMIGRANTS TO ASK FOR HELP**

**J**anet Murguía, President and CEO of NCLR, accompanied Red Cross officials on a tour of its shelters two weeks after Katrina hit the Gulf Coast. During a visit to a Baton Rouge shelter, she found only one Latino in a shelter housing approximately 4,000 evacuees. The evacuee, a Latino of Honduran origin, explained he knew of other Latino families in outlying areas who were afraid to come forward for help because they believed that they would be asked to provide documentation, and that failing to provide it would result in them being placed in deportation proceedings.

During one of its goodwill trips to the Gulf region, Latino Memphis, a multiservice Latino community-based organization (CBO) and an NCLR affiliate, found several immigrants who had not been evacuated from an apartment complex in Bay St. Louis, Mississippi. Latino Memphis delivered food, water, and other supplies to needy residents who preferred to stay in moldy apartments that lacked electricity rather than visit the FEMA distribution site located across the street or the Red Cross because of fear of arrest and deportation.\*

\* Interview with José Velásquez, CEO of Latino Memphis, on December 16, 2005.

- **Administration policy on immigration enforcement.** There are important enforcement issues that specifically affect immigrants and pose challenges to effective relief efforts. After the terrorist attacks on September 11, 2001, the Immigration and Naturalization Service's (INS) policy, as announced by then-INS Commissioner James Ziglar, was a cessation in immigration enforcement; no such announcement was issued by DHS Secretary Michael Chertoff after Hurricane Katrina struck. The result was that some immigrants who sought relief services were placed in deportation proceedings.<sup>21</sup>

During all previous large-scale natural disasters, the presiding administration, including the Bush Administration, has issued public statements reassuring access to relief services for all victims, regardless of immigration status.<sup>22</sup> The Administration should have halted the arrest and deportation of hurricane victims during relief efforts. Unfortunately, the only executive orders issued in response to Katrina were the suspension of the Davis-Bacon worker protections and I-9 employer inspections (more information on this provided in the "Recovery and Reconstruction" section).



## **THE AMERICAN RED CROSS'S ROLE IN RELIEF**

For more than a century, the American Red Cross (ARC) has held a venerable place in American society as a respected humanitarian organization led by dedicated volunteers who provide relief to victims of disasters. In keeping with its mission and its charge under the NRP, ARC provides mass care in the event of a disaster, such as shelter, emergency medical care, and food.<sup>23</sup> As a result, ARC has received the lion's share of attention and resources in the event of a national emergency. Therefore, how ARC responds in a disaster or emergency is, in essence, how the country responds.

While ARC has come under increasing criticism for its response to the most recent disasters and events this country has experienced, it is Katrina that may have ultimately shattered its image. In particular, racial and ethnic communities have expressed profound concern over whether ARC is capable of adequately serving the disaster relief needs of minority communities. The National Council of La Raza (NCLR) has met several times with ARC staff and with other minority organizations to discuss these concerns. We should note that NCLR holds the mission of ARC in the highest regard, and many staff members within the organization have worked diligently to encourage ARC to address these concerns.

However, NCLR's analysis is that ARC has both structural and attitudinal challenges that hamper its ability – and will continue to hamper it absent a major effort from the organization – to deal with an increasingly diverse American population, including Latinos and other English language learners (ELLs). Due to its rigidity, both in structure and attitude, ARC failed to recognize some of the critical needs of the communities they were serving, which stemmed from both a lack of diversity within ARC's staff, board, and volunteer corps and a lack of knowledge and experience with diverse communities, resulting in several of the organization's mistakes during the response phase. These missteps included volunteers evicting Latino hurricane victims on the presumption that they were workers and not actual survivors; preventing bilingual professionals from directly assisting Spanish-dominant survivors; and requesting documentation proving legal status as a condition for receiving assistance.

For instance, Patricia Fennell,\* Executive Director of the Latino Economic Development Corporation (LEDC) – a United Way volunteer agency in Oklahoma City and NCLR affiliate – received a call from an ARC volunteer in Tulsa about some Spanish-speaking Latino evacuees being sheltered at a military base near Muskogee, Oklahoma, which is in a remote, rural area.<sup>24</sup> Ms. Fennell was told that many of the evacuees were Spanish-dominant and had difficulty communicating with Red Cross volunteers. Ms. Fennell, a professional social worker, contacted the Red Cross office in Tulsa to offer her services and was told that she would not be allowed to assist the evacuees until she completed “diversity training” – no exceptions.

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\* Ms. Fennell currently serves on NCLR's Board of Directors.

Furthermore, she was warned that upon completion of diversity training, she would not be allowed to assist the Latino families because that could be perceived as discriminatory. Ms. Fennell explained that her intention was not to discriminate or withhold assistance from other survivors but that, given the Red Cross's inability to serve these particular evacuees, she could be of special service to them. After five days, Ms. Fennell was finally allowed to accompany Red Cross officials from Tulsa to the shelter, but when she arrived, out of the 40 Latinos originally placed at the shelter, only one couple remained. Even more disturbing was that a Latino staying at the shelter had been missing for the past three days. Because the shelter was in a remote part of the state with no public transportation, opportunities to leave were very limited, making the man's disappearance all the more troubling. Ms. Fennell's story illustrates the following problems with ARC's interaction with Latinos in the days and weeks after Hurricane Katrina:

- **Lack of authority to remove bureaucratic impediments to an appropriate response.** Excessive and burdensome bureaucracy associated with ARC at times delayed any potential assistance to Latino evacuees. To further complicate the matter, there was no central contact in ARC's upper management who could facilitate access for organizations like Ms. Fennell's. In fact, people in Mississippi and Louisiana complained that ARC officials were unreachable by phone.<sup>25</sup> Perhaps if a member of ARC's executive staff with the authority to make key decisions or maneuver more easily through ARC's bureaucracy had been made accessible to national and community-based ethnic organizations, he/she could have potentially curbed delays and mitigated communication problems among local chapters, the shelters they managed, and organizations on the ground.
- **Lack of diversity in management and governance.** ARC lacks diversity within its executive staff and governing board, which may explain, in part, why it experienced serious difficulties in reaching out and serving diverse communities during the response to Hurricane Katrina. ARC has a 50-member Board of Governors consisting of eight members appointed by the President, 12 at-large members, and 30 members representing local chapters. Of the 50 Board members, ARC officials identified only two as Hispanic, including Secretary of Commerce Carlos Gutierrez.<sup>26</sup>

Unfortunately, the long-standing conflict between the Red Cross's Board and its past presidents casts serious doubts not only on Red Cross's leadership, but more importantly on its ability to implement necessary changes to the organization's way of conducting business and improving relationships with diverse communities. The resignation of ARC President Marsha Evans on December 13, 2005 has spurred additional scrutiny of ARC's Board. Recently, Senate Finance Committee Chairman Charles Grassley requested several documents from the Board, including minutes of meetings and communications between the Board and President to determine "whether the current board and governance structure meets the high level of competence and engagement" needed to continue ARC's designation as a leader in relief efforts.<sup>27</sup>

A diverse, competent, and efficient management and governance structure may result in policy changes that reflect a formalized system for planning and executing needed changes to how ARC builds working relationships with diverse organizations and how it meets the needs of diverse populations during a disaster or emergency.

- **Lack of ARC officials and volunteers familiar with serving diverse communities.** Many have claimed that ARC lacked cultural and linguistic competency, which prevented or discouraged some immigrants and LEP persons from accessing shelter or other needed relief services.<sup>28</sup> ARC's interaction with some Latinos reflects poorly on ARC relief officials and volunteers, who failed at times to explain to Latino evacuees, especially immigrant and LEP persons, what services were available to them. There were a few instances, for example, where Red Cross volunteers asked hurricane survivors for documents proving their legal status, in violation of stated Red Cross policy. Given ARC's role in the NRP, the ability to reach and serve diverse segments of the population is critical to an effective and efficient response during a disaster. Therefore, the lack of diversity among ARC's volunteers is also a major concern. According to ARC's most recent survey, only 5% of its volunteers are Black, 2% are of Asian origin, and 2% are Hispanic, which may explain why, by their own admission, [many volunteers] "do not fully appreciate the differences that other people bring to the party."<sup>29</sup>
- **Lack of relationships with organizations serving diverse communities.** In general, the National Volunteer Organizations Active in Disaster (NVOAD) serves as a national umbrella organization with several relief organizations listed as members, including the American Red Cross. NVOAD coordinates planning efforts among many voluntary organizations before disasters strike and plays a convening role during disasters. There are not any national Latino or immigrant organizations currently in NVOAD since few, if any, are traditional disaster relief organizations.<sup>30</sup>

Before Hurricane Katrina, many NVOAD-affiliated relief organizations did not have established working relationships with ethnic community-based organizations, civic groups, or national organizations involved in serving diverse communities. The failure to have these relationships in place before Katrina hit the Gulf Coast precluded relief organizations, especially ARC, from effectively recruiting or training sufficient volunteers from these communities and created barriers to effectively identifying the special needs within diverse communities (e.g., language) as well as volunteers or professionals who could assist in meeting those needs.

As a result of their performance, credibility and trust are significant challenges for private relief organizations' future fundraising efforts, particularly for ARC. In some cases, this means maintaining credibility and trust with current donors, and in many more cases restoring faith with dissatisfied donors and convincing potential contributors, especially in minority communities, that systemic change is under way. Many in minority communities saw other organizations, such as international relief groups, perform a much better job of serving victims from various backgrounds after Katrina.

## **ASIAN AMERICANS IN THE HURRICANE-RAVAGED REGION**

**T**he tri-state area affected by Hurricane Katrina has seen significant increases in the Asian/Asian American population which, prior to Hurricane Katrina, consisted of 115,000 persons of Vietnamese, Chinese, Filipino, and Korean origin, among others. Vietnamese/Vietnamese Americans make up one-third of the Asian/Asian American population representing the largest subgroup in the region.\* Several members of this community, also known as “boat people,” fled Southeast Asia in the 1970s and 1980s. After surviving harrowing journeys at sea, they subsequently resettled in the Gulf Coast, often finding employment in the fishing and shrimping industries.

In the aftermath of Hurricane Katrina, many Vietnamese Americans found themselves as refugees once again with approximately 10,000 settling in the Houston area alone. Like many Latino hurricane survivors, Asian Americans faced difficulties in accessing services from FEMA and the Red Cross due to language and cultural differences; some did not know they were eligible for services and others were unfairly denied.” Because of their expertise and existing relationships, community- and faith-based organizations responded to the needs of the Asian American community and expressed frustrations with FEMA for its unwillingness to work with them and better serve LEP families seeking assistance from the agency. \*\*\*

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\* 2003 American Community Survey data.

\*\* Salmon, Jacqueline, “Katrina’s Vietnamese Victims,” *Washington Post*, February 9, 2006.

\*\*\* Choi, Juliet, “Current Challenges faced by Asian Americans and Hurricane Katrina: Highlights on Language Services and Physical and Mental Health Concerns,” Asian American Justice Center, September 28, 2005.

## **THE PLIGHT OF WORKERS IN KATRINA RECOVERY AND RECONSTRUCTION**

As the recovery effort got under way, the Bush Administration issued executive orders suspending I-9 employer inspections (i.e., work authorization checks) and Davis-Bacon worker protections to assist contractors, while continuing to arrest and deport workers employed by these contractors.\* This, coupled with a lack of serious oversight of FEMA contractors and subcontractors involved in rebuilding the Gulf Coast, has contributed to many wage and hour violations and the failure to adequately protect workers from environmental health hazards. Many workers involved in the rebuilding effort have complained of unscrupulous contractors who use “bait and switch” tactics, recruiting workers from various parts of the country with promises of

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\* On November 18, 2005, Davis-Bacon worker protections were reinstated. The suspension of I-9 worker inspections expired on October 21, 2005.

## RED CROSS SHELTER RAIDS

In the weeks after Katrina, on at least two occasions, law enforcement officers raided Red Cross shelters, racially-profiled Latinos staying at the shelters, and then asked them to leave under the assumption that they were undocumented workers and not hurricane survivors.

In Long Beach, Mississippi, the local Harrison County Police Department, along with U.S. Marshalls, entered the Red Cross shelter reportedly responding to a call and singled out Latinos, including a Red Cross volunteer, at the shelter and asked them for identification, even pulling people out of bathroom stalls and showers. The U.S. Marshalls allegedly told 60 people who looked Latino that they had three choices: "Go to Houston, Atlanta, or back to Mexico."<sup>\*</sup> The Red Cross denied making the call to police.

A similar incident occurred in D'Iberville, Mississippi, where local law enforcement was called to remove "out-of-state workers" from a shelter. According to the men, they were told that Red Cross shelters were available only to hurricane victims and U.S. citizens.<sup>\*\*</sup> Unfortunately, while it was increasingly common for federal contractors to dump their workers at shelters to avoid lodging costs, at least one hurricane victim, Nilo Cervantes, an LPR from Cuba, was unfairly targeted and forced to live temporarily in a tent city. When a Red Cross official finally intervened and assured the men that alternative housing would be secured for them before they had to leave, few of them remained in the shelter. No one faults the Red Cross for prioritizing hurricane survivors over workers, especially when contractors fail to meet their obligations to workers; however, the Red Cross should have ensured that the workers were given viable housing alternatives before calling the police to remove them.

<sup>\*</sup> Terhune, Chad and Evan Perez, "Roundup of Immigrants in Shelter Reveals Rising Tensions," *The Wall Street Journal*, October 3, 2005.

<sup>\*\*</sup> Testimony provided by Nilo Cervantes before the LCCR Education Fund's Forum, "Rebuilding the Gulf Coast Region: The Civil and Human Rights Implications," October 26, 2005.

competitive hourly wages, overtime pay, and amenities, such as room and board, and then failing to honor any of these agreements.<sup>31</sup> Worker accounts of employer mistreatment, including both verbal and physical, along with threats to call U.S. Immigration and Customs Enforcement (ICE) and have workers deported if they complained, are also common. Additionally, there are environmental concerns since the flooding and water damage brought on by Hurricane Katrina created hazardous environmental conditions, such as mold and poor air quality. Nonetheless, workers are rarely given protective gear when cleaning and rebuilding in heavily damaged sites. Nonetheless, workers are rarely given protective gear when cleaning and rebuilding in heavily damaged sites, which exposes them to serious medical problems in the short- and long-term.

On November 18, 2005, NCLR conducted a site visit of a "tent city" in Gulfport, Mississippi, where staff spoke with Hispanic workers involved in the rebuilding effort who had been awaiting payment from contractors. Workers repeatedly complained about contractors who hired them for long periods of time and then refused to pay

them for their labor. For example, Esteban J.,\* a Mexican worker who left behind a wife and four children in Veracruz, Mexico, was recruited in North Carolina by a subcontractor hired by KBR, a subsidiary of Halliburton, to perform debris removal with 105 other workers. The subcontractor promised an hourly wage of \$13, along with food, lodging, and overtime pay; yet, after several weeks, the subcontractor had not paid any of them and several of the men were forced to sleep outside. After making several demands, Esteban was finally paid a week's worth of wages with little for him to send back home to his family. Esteban estimated that the contractor still owed him 200 hours worth of wages and consequently filed a wage and hour claim with the Department of Labor (DOL). Fortunately, DOL ruled favorably in Esteban's case and ordered KBR to pay \$141,887 in back wages to Esteban and his fellow workers.\*\*

Like Esteban, a growing number of workers have filed wage and hour claims with DOL. The Mississippi Immigrant Rights Alliance (MIRA) has actively advocated on behalf of Latino immigrant workers in the hurricane-impacted area and has assisted several Latinos, who have been denied wages and overtime pay in the rebuilding effort, in filing wage and hour claims with DOL. MIRA has recorded nearly 200 incidents of nonpayment in the Biloxi/Gulfport area of Mississippi. Because it can take between six and 12 months to process a Wage and Hour claim, advocates have expressed concern about DOL's capacity to investigate violations. After meeting with representatives of DOL's Wage and Hour Division, advocacy organizations, including NCLR, were disturbed by DOL's lack of data on how many Katrina-related claims it had received; how many investigators were on staff in the affected areas to assist workers; the effectiveness of its outreach activities to workers; and its commitment to allocating more resources and deploying more investigators to the region. The poor enforcement of state labor laws only exacerbates the problem and places the brunt of the responsibility of enforcement of wage protections and worker safety on DOL.\*\*\*

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\* Worker's name withheld to protect his privacy.

\*\* Hines, Lora, "Immigrant Workers on Coast get \$141,000 in Back Pay," *Clarion-Ledger*, February 24, 2006.

\*\*\* The state of Mississippi does not have a state labor department.

Legal representation has also been provided to workers. Casa de Maryland,\* an advocacy organization providing legal assistance to immigrants, filed the first such lawsuit against a Maryland contractor for failing to pay wages he still owes the approximately 35 laborers he recruited to clean up casinos in Biloxi and Bay St. Louis.<sup>32</sup> Most of the workers received part of their wages, but the contractor allegedly still owed them close to \$99,000 in wages and overtime pay. Contractors involved in the rebuilding process should be held accountable as they spend funds dedicated to the rebuilding effort and not be allowed to bypass laws designed to protect wages and working conditions of all workers with virtual impunity.

### **BACKLASH AGAINST IMMIGRANT WORKERS ALONG THE GULF COAST**

**T**he increased presence of Latino workers has resulted in heightened tension in the region between immigrant workers and native workers. Unfortunately, legitimate frustration with certain aspects of the recovery effort has been a catalyst for anti-Latino sentiment, in particular. For example, at a business forum on October 6, 2005, New Orleans Mayor Ray Nagin asked rhetorically, "How do I ensure that New Orleans is not overrun by Mexican workers?"\* In response to Mayor Nagin's comments, the heads of five leading civil rights organizations, including NCLR, the National Urban League (NUL), the National Association for the Advancement of Colored People (NAACP), the Asian American Justice Center (AAJC), and the Leadership Conference on Civil Rights (LCCR), released a joint statement to express concern that divisive remarks, such as those expressed by Mayor Nagin, only pit one group of workers against another and scapegoat Latino immigrants for hiring decisions made by contractors.\*\* Furthermore, all five civil rights organizations called for fairness, accountability, and inclusion of affected Gulf Coast communities in the reconstruction effort.

\* Radelat, Ana, "An Avalanche of Aid: Hispanic workers flood the Gulf Coast," *Hispanic Magazine.Com*, October 2005.

\*\* Copy of press statement available at [www.nclr.org](http://www.nclr.org).

\* Casa de Maryland is an NCLR affiliate.

## **RECOMMENDATIONS**

### **Government/Public Policy Response**

In the end, there are many lessons to be learned from Hurricane Katrina. During the response effort, federal agencies and Congress failed to modify policies pertaining to immigrants which would have enhanced their access to much-needed disaster assistance. If we as a nation are committed to avoiding the mistakes made in the aftermath of Katrina and to preparing for the next natural disaster, terrorist attack, or public health crisis, we must create an environment where all victims can come forward for assistance. Accordingly, the federal government and Congress must do the following:

- **Improve access to language assistance and materials for limited-English-proficient (LEP) victims of a disaster.** All sectors of government should take steps to ensure that disaster-relief communications are translated, interpreted, and disseminated in a timely manner so that LEP persons are able to communicate their needs and access assistance. Federal agencies should follow the recommendations contained in a recent Department of Justice memo, including “re-examining evacuation and disaster preparedness plans to ensure that [they] address the specific needs of

### **NCLR KATRINA RELIEF FUND**

**L**ike most Americans, Hispanics were eager to assist the many victims of Hurricane Katrina. Given the difficulty that Latino hurricane survivors experienced in accessing services from government agencies and relief organizations, a few Latino CBOs intervened to provide basic short-term services, such as food, water, and shelter, as well as mid- to long-term services, including educational, housing counseling, and job placement assistance. For example, the Tejano Center for Community Concerns (TCCC),\* an organization dedicated to improving opportunities for Hispanics in Houston, has enrolled students in its charter school and is establishing a Katrina Service Center to provide bilingual housing and other services to displaced families. Latino Memphis, a Latino social service agency, has assisted Latino families resettling in the Memphis area and frequently has sent volunteers to assist in relief and recovery efforts in the New Orleans area.

To defray some of these expenses incurred by CBOs, NCLR established its Katrina Relief Fund. Initially, the stated purpose of the Fund was to support NCLR affiliates engaged in immediate relief work and direct services to evacuees. Due to the generosity of corporate and individual donors, to date NCLR has disbursed more than \$200,000 to six NCLR affiliates in Texas, Tennessee, and Florida as well as one non-affiliate in Mississippi. The McDonald’s Corporation, Coors Brewing Company, Travers Enterprises, Allstate, Time Warner, Citigroup, and Wal-Mart were among the top donors to the Fund.

\* TCCC is an NCLR affiliate.



minority populations, particularly those that are isolated due to LEP, immigration, or income status.”<sup>33</sup> Despite FEMA’s assertion that it is not a “first responder” in a disaster, FEMA has the primary responsibility of coordinating response efforts with state and local authorities as well as private agencies in the event of an emergency or disaster.<sup>34</sup> This would include, among other things, the translation of vital documents and the availability of interpreter services for communities that have high LEP rates. Furthermore, it must ensure that cultural and linguistic needs be incorporated in emergency preparedness plans at all levels of government to respond effectively to the next disaster or public health threat.\* In particular, state and local governments have the responsibility to respond effectively to all of their residents, including those who are Spanish-speaking or newly arrived immigrants. This includes the coordination and cooperation of state and local public health authorities, law enforcement officials, and communication systems, among other components, during all phases of a disaster or emergency. In accordance with the recommendations put forth by the Administration, DHS should “develop tools for State and local governments to use in order to prepare, train, exercise, and engage citizens and communities in all areas of preparedness...[with] special consideration...[for] persons with disabilities, health problems, language barriers, income barriers, and unaccompanied minors.”\*\*

- **Extend legal status for immigrants who lose a family member or employer as their sponsor as a result of a disaster.** In preparation for the next disaster, Congress should provide immigration relief to certain classes of immigrants. First, Congress should extend eligibility to persons, along with their respective family members, with applications tied to a family sponsor who died or became disabled as a result of a disaster. Second, immigrants who hold temporary work visas and lose employment because of a disability or because their employer went out of business, closed temporarily, or suffered severe physical damage related to a disaster should be given visa extensions and the opportunity to find alternative employment. Employment gaps experienced by these workers because of a natural disaster should not result in the loss of legal status. DHS should also expedite issuance of temporary documents that demonstrate work authorization and legal immigrant status.

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\* Congressman Michael Honda, Chair of the Congressional Asian Pacific American Caucus, has drafted legislation, the “Equitable Access to Disaster Relief and Preparedness Services Act.” This bill would provide resources to secure interpreters and translation services to assist LEP communities during a disaster; translate federal documents on disaster relief-related services; set up a toll-free number by which LEP persons could access information about federally-funded services and benefits; and provide \$20 million in grants to assist nonprofit organizations experienced with serving LEP communities in carrying out disaster-related relief activities. As of February 23, 2006, the legislation had not yet been introduced.

\*\*The Administration’s report on Hurricane Katrina can be found on the White House’s website: <http://www.whitehouse.gov/reports/katrina-lessons-learned/index.html>

- **Improve immigrant access to benefits.** Congress must eliminate barriers that hinder affected Latinos, such as farmworkers and immigrants with TPS status, from accessing benefits during a disaster. Legal bars created by PRWORA should not impede immigrants from seeking relief services for at least a temporary amount of time following a disaster. In addition, given that many victims have lost documentation indicating their eligibility for services, federal agencies should base documentation and verification procedures for services on presumptive eligibility during the response phase of a disaster.

Specifically, Congress must ensure that certain programs, such as the Food Stamp Program, Medicaid, the State Children’s Health Insurance Program (SCHIP), and TANF be made available to affected immigrants legally residing in the U.S. who would be ineligible under welfare reform restrictions regarding years of residency, work requirements, and others. Congress should also waive any public charge implications for the use of such assistance. Such policies would allow lawfully-present immigrants to access disaster services and public health benefits, even if only temporarily.

### **FAIR HOUSING IN THE POST-KATRINA LANDSCAPE**

**U**nfortunately, housing discrimination is nothing new in the Latino community. However, in the aftermath of Hurricane Katrina, Hispanic home shoppers face new challenges. Long before the hurricane devastated the Gulf Coast region, HUD-sponsored research showed that nearly one in five Latino home shoppers and more than one in four Latino renters experience some act of discrimination while searching for a new home.\* Reports from organizations working in Mississippi and Louisiana make it clear that these figures underestimate drastically the climate of the current housing market.

For example, the autonomy of Internet users presents additional challenges for fair housing laws that were designed for print media. Websites that give users free space to post information without first reviewing its contents may unwittingly aid housing discrimination. The Greater New Orleans Fair Housing Action Center filed a complaint with HUD against several websites that were advertising housing opportunities for posting discriminatory ads. Executive Director James Perry testified before the House Financial Services Committee that these ads included statements warning African Americans, Hispanics, and non-Christian families that they were not welcome – a clear violation of the 1968 Fair Housing Act.\*\*

In order to ensure that community members are part of the rebuilding process and that their civil rights are respected, local, state, and federal officials must make fair housing a priority and, consequently, any post-disaster relief strategy must include a plan for securing equal access to housing. Broad public education campaigns in multiple languages are also necessary to educate the public regarding their rights to fair housing.

\* Turner, M.A., S.L. Ross, G.C. Galster, and J. Yinger, *Discrimination in Metropolitan Housing Markets: Phase 1*. U.S. Department of Housing and Urban Development. 2002.

\*\* Statement of James H. Perry, Executive Director of the Greater New Orleans Fair Housing Action Center, before the House Financial Services Subcommittee on Housing and Community Opportunity, January 13, 2006. Testimony is available on the Committee website: <http://financialservices.house.gov/hearings.asp?formmode=detail&hearing=436>

When the general public's health and safety is at stake, undocumented immigrants must also be given access to certain emergency relief services, such as shelter, water, food, and urgent medical care. If they are cut off from these basic services, then essentially they are denied important information, such as when and where to evacuate, which can impede evacuation and rescue efforts during large-scale disasters like Hurricane Katrina. Additionally, denying certain people, such as undocumented immigrants, access to vital care services makes them more susceptible to injury and death, and therefore, reflects an inhumane policy.

- **Temporarily cease immigration enforcement during times of disaster.** As many organizations and lawmakers have urged, the Administration should publicly articulate and vigorously enforce an unambiguous policy that under no circumstances will DHS officials take advantage of natural disasters or man-made emergencies to detain or deport immigrants. Prior to Hurricane Katrina, immigration authorities never failed to announce that immigration enforcement would be temporarily halted during disaster relief efforts to allow victims to come forward for disaster assistance. The most recent announcement of this policy was made after the 9/11 attacks by then-INS Commissioner James Ziglar; unfortunately, DHS Secretary Michael Chertoff failed to adopt a similar position - the first time in at least 20 years the top immigration official failed to do so.
- **Dedicate more resources to DOL and the Occupational Safety and Health Administration (OSHA).** Labor laws need to be respected, and workers involved in the Gulf Coast reconstruction need to be treated with dignity and fairness. The initial suspension of employer sanctions and labor law protections and the overall poor oversight of federal contractors created an environment that left workers vulnerable to unsafe working conditions and workplace abuse while rewarding employers who engaged in these practices. The health and safety of this workforce, as well as the protection of their wages, is an indicator of the safety and wage protection of all workers. Therefore, more resources and investigative staff should be allocated to DOL's Wage and Hour Division and OSHA to expedite the efficient processing of worker claims, impose sanctions upon bad contractors, and investigate poor working conditions.

### **American Red Cross's Response**

Private disaster relief organizations, namely ARC, must improve their ability to serve diverse populations; increasingly violent weather and the possibility of another terrorist attack present plausible scenarios in which thousands will need to seek emergency medical care and shelter in the future. ARC is the only private, nongovernmental organization explicitly tasked with providing mass care under the federal NRP. If ARC is incapable of fulfilling this mission effectively, the federal government, including Congress, needs to carefully reexamine ARC's role in disaster response and modify it accordingly, should it no longer serve in the public's best interest. In particular, ARC must do the following if it is to improve its relationships with and better serve diverse communities:

- **Create authority to minimize bureaucracy.** ARC should designate someone in senior management who would be responsible and accountable for serving diverse populations on a consistent basis – not just during the response phase of a disaster. Ideally, this person would have the necessary authority to cut through the red tape and bureaucracy that seriously delayed assistance to Latino evacuees after Katrina.
- **Diversify executive staff and Board of Directors.** As our nation continues to experience rapid demographic changes, the organizational structures of institutions, especially those closely aligned with the federal government, are expected to reflect this diversity and “look like” America. In order to accomplish this feat, ARC must take steps to incorporate more Latinos and other ethnic minorities in its executive staff and Board of Directors. Until it diversifies its senior management and governing body, the culture and responsiveness, or lack thereof, will remain unchanged.
- **Foster key relationships with local and national organizations.** To better prepare for the next disaster, which will likely affect a significant number of Latinos and immigrants, both public and private sectors should do what is necessary now to ensure a “pre-positioned” cadre of professional relief workers, volunteers, and managers who can be ready for the next disaster deployment. While ARC volunteers receive training, the ability of volunteers to act responsibly in addressing culture, language, and immigration status issues varies considerably. Recruiting volunteers from diverse communities increases the likelihood that victims from these same communities will receive better service or, at minimum, obtain better information.

Establishing Memoranda of Understanding (MOUs) and agreements with national and local organizations with the capacity for referring or providing trained, professional bilingual and bicultural workers and volunteers should be part of the effort to improve diversity. At the national level, ARC should develop relationships with ethnic professional associations such as those representing social workers or mental health professionals. Locally, it is imperative that it tap the vast potential of Latino and other community and civic groups and establish systems to close remaining gaps in a disaster quickly through agreements with these types of organizations. In the post-9/11 relief efforts, for example, government and private relief agencies procured the services of members of the New York Immigration Coalition, an interethnic consortium of service and advocacy organizations, to assist with reaching out to immigrants and processing their applications for benefits.

While the Administration, Congress, and ARC have the responsibility of learning from their mistakes and preparing adequately for the next disaster or public health emergency, the presence of community-based organizations (CBOs) is vital to facilitating communication and services to affected communities. Currently, there are few Hispanic-serving nonprofits in the hurricane-impacted areas; their near absence contributed to the poor dissemination of information and the delayed delivery of much-needed services and benefits to Latinos throughout the area. The Latino

community, through organizations on the ground, needs to establish networks of support and collaboration and provide expertise to government and private relief agencies, among others. An investment by private foundations, along with other contributing sources, in developing an infrastructure consisting of Latino CBOs is most needed in parts of the country where Latino communities are emerging and growing at a steady pace, such as the region ravaged by Hurricane Katrina. Private foundations, which currently on average give between 0% and 3% of their grant money to Latino nonprofits, can play a pivotal role in increasing the presence and capacity of grassroots, Latino-serving organizations in these areas.\*

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\* Figure cited in press release, "Schumer: Top Philanthropic Foundations' Giving to Latino Non-Profits is Lagging," December 4, 2005.

## ENDNOTES

1. U.S. Census Bureau, "Hispanic Population by Percent Change 1990 to 2000 for the United States, Regions, Divisions, and States," 2004.
2. *Ibid.*
3. American Community Survey data, 2003.
4. According to U.S. Census data, approximately 15,000 Latinos lived in the New Orleans area in 2000. However, that number is believed to be much higher due to a large influx of Latinos, particularly Hondurans, in the area over the past several years. For this reason, American Community Survey data, which is more recent, is used when available.
5. The tri-state area affected by Hurricane Katrina has also seen significant increases in the Asian/Asian American population, particularly Vietnamese. In Louisiana alone, Vietnamese/Vietnamese Americans make up 43.7% of the 67,000 Asian/Asian Americans who live in the state, according to 2003 American Community Survey data.
6. Strom, Stephanie, "President of Red Cross resigns: Board Woes, not Katrina, cited," *New York Times*, December 15, 2005.
7. Bendixon and Associates, *Lessons of Katrina: America's Major Racial and Ethnic Groups Find Common Ground after the Storm*, published by New California Media, October 27, 2005. Less than 9% of African American, White, Asian, and Hispanic respondents stated they would count on FEMA the most if their community was impacted by a disaster similar to Katrina. Email communications between FEMA officials suggest that poor leadership at FEMA is to blame for the agency's poor response in the days after Katrina struck; "Can I quit now?" FEMA chief wrote as Katrina raged," CNN.com, November 3, 2005.
8. Interview with Dr. Brenda Phillips, Center for the Study of Disasters and Extreme Events, Oklahoma State University, January 9, 2006.
9. Information on the National Response Plan can be found on DHS's website: [http://www.dhs.gov/dhspublic/interapp/editorial/editorial\\_0566.xml](http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml)
10. *Ibid.*
11. Simmons, Ann M., "Latinos in New Orleans Suburb Feel Slighted," *Los Angeles Times*, September 20, 2005.
12. *Ibid.*
13. Hsu, Spencer S, "Katrina Report Spreads Blame," *Washington Post*, February 12, 2006.
14. According to the 2000 Census, more than three-quarters (77%) of children in immigrant families are native-born U.S. citizens. Source: Census Bureau, *Profile of the Foreign-Born Population in the United States: 2000*, Washington, DC, December 2001.
15. Interview with Richard Farias, Executive Director of the Tejano Center for Community Concerns (TCCC) in Houston, Texas, in December 2005. According to Mr. Farias, approximately 450 Latino families were identified as receiving FEMA assistance in the Houston area; close to 150,000 evacuees settled in Houston. FEMA claims that 150,000 calls were made to its Spanish-language helpline. Unfortunately, according to a FEMA official, it remains unclear how many of these calls resulted in approved registrations, especially in light of the fact that most individuals placed more than one call to FEMA's helpline and some even registered multiple times.
16. FEMA's "Questions and Answers for Undocumented Immigrants Regarding FEMA Assistance" can be found at on its website: <http://www.fema.gov/news/newsrelease.fema?id=12562>.

17. Wasem, Ruth Ellen, "Hurricane Katrina-Related Immigration Issues and Legislation," *CRS Report for Congress*. Washington, DC: Congressional Research Service, October 18, 2005.
18. "Qualified alien" is a public benefits category used to determine immigrant eligibility for federal means-tested public benefits, including Medicaid, the Food Stamp Program, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and the State Children's Health Insurance Program (SCHIP). According to FEMA, a "qualified alien" includes anyone who has been granted legal permanent residence ("green card"), refugee or asylee status, withholding of deportation, conditional entry, parole into the U.S. for at least one year; is a Cuban-Haitian Entrant; or is a battered spouse or child(ren) with a pending or approved spousal petition or petition for relief. Lawfully residing immigrants who do not fall into these categories may not be a "qualified alien."
19. National Immigration Law Center, "Immigrants' Rights Update," Vol. 9, Issue 6, October 21, 2005.
20. Due to changes in eligibility rules, legal immigrant children do not have to be in the U.S. for five years before becoming eligible for food stamp benefits.
21. Gilot, Louie, "Katrina immigrants ordered to deportation court," *El Paso Times*, September 21, 2005.
22. For example, FEMA issued the following press statement after Hurricane Charley hit the Florida coast in 2004: "Storm Victims Urged To Come Forward For Emergency Aid Regardless Of Immigration Status," August 18, 2004. Available online at: <http://www.fema.gov/news/newsrelease.fema?id=13447>
23. Information on the National Response Plan can be found on DHS's website: [http://www.dhs.gov/dhspublic/interapp/editorial/editorial\\_0566.xml](http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml)
24. Interview with Ms. Patricia Fennell, Executive Director of the Latino Economic Development Corporation (LEDC) in Oklahoma City, OK, December 23, 2005.
25. Moore, Martha T., "Red Cross in Critics' Cross Hairs," *USA Today*, October 18, 2005.
26. Information was provided during a meeting between NCLR President and CEO Janet Murguía and former American Red Cross (ARC) President Marsha Evans on September 15, 2005. A full listing of the ARC's Board of Governors can be found on ARC's website: [http://www.redcross.org/static/file\\_cont4989\\_lang0\\_1762.pdf](http://www.redcross.org/static/file_cont4989_lang0_1762.pdf)
27. Associated Press, "Red Cross Under Senate Scrutiny," Washington, DC, December 29, 2005.
28. *Ibid.*
29. Salmon, Jacqueline, "Red Cross Bolstering Minority Outreach," *Washington Post*, December 5, 2005.
30. List of NVOAD members can be found at [www.nvoad.org](http://www.nvoad.org).
31. Based on NCLR staff interviews with workers during site visit in November 2005.
32. Trejos, Nancy, "Maryland Laborers' Suit Says Contractor Owes Pay for Katrina Work," *Washington Post*, December 21, 2005.
33. Department of Justice memo, "Nondiscrimination on the Basis of Race, Color, and National Origin: Hurricane-Related Issues," issued on December 12, 2005.
34. Testimony submitted by Michael Brown, former FEMA Administrator, before the House Select Committee to Investigate the Preparation and Response to Hurricane Katrina, Washington, DC, September 27, 2005.