



## FACT SHEET

### DHS Legal Authorities that Prohibit Discrimination Against Members of America’s Faith-Based Communities

The U.S. Department of Homeland Security (DHS) is committed to protecting the civil rights of all members of the public, including members of faith-based communities. DHS prohibits discrimination against members of America’s faith-based communities in DHS and DHS funded programs, through these and other legal authorities<sup>1</sup>:

#### DHS Legal Authorities at a Glance:

- **The DHS Office for Civil Rights and Civil Liberties (CRCL) Authorizing Statute** gives CRCL the authority to investigate complaints, including allegations of discrimination based on religion, in DHS’s own programs and activities.
- **Title VI of the Civil Rights Act of 1964** prohibits discrimination in federally funded activities, based on race, color, and national origin (which includes limited English proficiency), including shared ancestry or ethnic characteristics. DHS has the authority to protect against forms of antisemitic, Islamophobic, and related forms of discrimination.
- **The Stafford Act** prohibits discrimination on various grounds, including religion, in disaster response or recovery efforts. The DHS Federal Emergency Management Agency (FEMA) enforces the Stafford Act.
- **The “Faith-Based Rule”** prohibits organizations receiving DHS financial assistance for social service programs from discriminating based on religion in providing social services.

#### Additional Information on DHS Legal Authorities:

**The DHS CRCL Authorizing Statute:** Section 705 of The Homeland Security Act of 2002 (as amended), 6 U.S.C. § 345, authorizes CRCL to investigate complaints, including reviewing allegations of discrimination and profiling on the basis of religion, in DHS’s own programs and activities. For more information about this statute and CRCL’s other legal authorities, see: [Legal Authorities for the Office for Civil Rights and Civil Liberties](#).

**Title VI of the Civil Rights Act of 1964:** Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., and its implementing regulations, 6 C.F.R. Part 21 and 44 C.F.R. Part 7 (Title VI), prohibit programs or activities receiving federal financial assistance from discriminating on the basis of race, color, or national origin. This prohibition extends to discrimination, including harassment, based on actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii)

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<sup>1</sup> DHS is also committed to upholding nondiscrimination requirements and principles under the First Amendment of the U.S. Constitution and all other applicable laws, regulations, and policies that govern DHS programs and activities.



citizenship or residency in a country with a dominant religion or distinct religious identity. Therefore, Title VI protects members of the public against antisemitic, Islamophobic, and related forms of discrimination in DHS funded programs. For more information on this legal authority, see: [FACT SHEET: Protecting Individuals from Discrimination Based on Actual or Perceived Shared Ancestry or Ethnic Characteristics](#). For more information on DHS’s Title VI authorities, see: <https://www.dhs.gov/publication/title-vi-dhs>.

**The Stafford Act:** Section 308 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. § 5151, and Section 309 of the Stafford Act, 42 U.S.C. § 5152, prohibit discrimination based on race, color, religion, nationality, sex, age, disability, English proficiency, or economic status in disaster response or recovery efforts. The FEMA Office of Civil Rights (OCR) enforces these requirements of the Stafford Act and is responsible for conducting reviews of FEMA funded programs to determine whether recipients are complying with applicable civil rights laws. For more information about the OCR and its legal authorities, visit the OCR [External Civil Rights Division](#) website.

**The “Faith-Based Rule:”** DHS regulation 6 C.F.R. Part 19, entitled “Nondiscrimination in matters pertaining to Faith-Based Organizations,” states that certain federal agencies (including DHS) may not discriminate on the basis of religion in selecting organizations that receive federal financial assistance for social service programs. Further, the regulation prohibits organizations that receive DHS financial assistance from discrimination on the basis of religion when providing social services. For more information on the legal obligations of organizations that receive DHS financial assistance, see: [Civil Rights Resources for Recipients of DHS Financial Assistance](#).

## Examples of Possible Violations of DHS Legal Authorities:

The following examples of incidents, depending on individual facts and circumstances, may implicate DHS legal authorities that prohibit discrimination against faith-based communities:

- **DHS CRCL Authorizing Statute:** An Orthodox Jewish woman is at a local U.S. Citizenship and Immigration Services (USCIS) office to have her fingerprints taken in support of her green card application. A recently hired male biometrics technician calls the applicant and begins the process of capturing her fingerprints by holding her hand and placing her fingers on the fingerprint reader. The woman objects and says she is not allowed to have physical contact with an unrelated member of the opposite sex. She asks for a female staff member to assist with the prints of her left hand. The male technician mistakenly indicates that applicants cannot request technicians of a different gender for processing and tells the applicant that he will have to capture her fingerprints if she wants to be processed today.
- **Title VI of the Civil Rights Act of 1964:** An Arab-American student who is a member of a renowned debate team at a university wears a headscarf or hijab, as part of her Muslim faith. She reports to the faculty head of the debate team that other students on the team have made fun of her Arabic name, and her modest attire; told her that her culture



oppresses all women; and pressured her to either quit the team or remove her hijab because it will “be distracting for the judges” or “make her seem too foreign.” The faculty member shrugs it off and takes no steps to address the issue and the student decides to quit the debate team. The university receives funding from DHS for its Science and Technology research programs.

- **The Stafford Act:** After a recent hurricane damaged their home, a Sikh family goes to an emergency shelter run by a non-profit organization, as instructed by local authorities. The non-profit receives Stafford Act funding from FEMA to carry out emergency sheltering operations. Shortly after arrival, the family overhears comments about their appearance, including words such as “turbans,” “terrorists,” and “9/11” from other disaster survivors at the shelter. Soon after settling in, shelter staff approach the family and ask them to leave, stating that people are uncomfortable with their presence and worried that they “appear to be threatening” and could be a safety risk.
- **The “Faith-Based Rule:”** A Thai foreign student regularly attends an evening English as a Second Language course offered at a local church and expresses interest in the citizenship preparation class that is offered right afterward. When the instructor for the citizenship class arrives, the student asks for information on how to sign up. The instructor states that in order to participate, the student must also attend bible study that is required of everyone who takes the class. When the student objects and says he is Buddhist, the instructor informs him that “America is a Christian nation” and that he is free to find another citizenship class in the area. The church receives a Citizenship and Integration Grant from U.S. Citizenship and Immigration Services (USCIS).

## What can a person do if they believe they have experienced discrimination as a member of a faith-based community?

Anyone who believes that they have been discriminated against in a DHS program or activity may [file a complaint](#) with CRCL. Complaints alleging discrimination under the Stafford Act or in FEMA-funded activities may be filed by contacting the [FEMA Office of Civil Rights](#).

### Additional Resources

For additional resources, please visit [CRCL's website](#) or contact us at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov). For more information about FEMA related resources, contact [FEMACivilRightsOffice@fema.dhs.gov](mailto:FEMACivilRightsOffice@fema.dhs.gov).

For language services, including written translation or oral interpretation of a publicly available CRCL document, or to request documents in alternate formats such as Braille or large print, please contact us at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov).