COVID-19 Resources: What about Immigrants?

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WHAT WE’LL COVER

- Immigrant Rights Hotline
- Immigration Impact
- Federal & State COVID-19 Response Programs
- Local Resources
Hotline Facts

- 48% financial/rent assistance
- 26% stimulus check/unemployment
- 16% Immigration Court/USCIS

Other questions: included calls from family members concerned for family in detention, questions about extending tourist visas and public charge.

IMMIGRATION IMPACT

- What happens in my Court Case?
- What happens to my USCIS case?
**Immigration**

- **Closures:**
  - **USCIS:** Through June 4
  - **EOIR:** Through May 15 (non-detained hearings)

- **What does that mean for USCIS applications?**
  - Employees working, applications being processed
  - If the application requires an interview (e.g. LPR), it will be scheduled once USCIS reopens

- **What does that mean for my EOIR hearing?**
  - During the pandemic closures, the 1-800-898-7180 may not be updated regularly.
  - EOIR accepting electronic filings. If you have a filing deadline in your case, you must meet it.
  - New hearing notice will be sent by mail.

**PUBLIC CHARGE**

How does it impact available resources?
Public Charge

• What is it?
• Who does it affect?
• What public benefits are included?
• COVID-19

A test applied ONLY at certain points along the immigration path.

If a person is found to be a “public charge,” their application will be denied

Who does this affect?
• People applying to enter the US
  • Visa, consular processing
• Those applying to become LPR
• LPR seeking re-entry after 180+ days abroad
Exemptions

- Refugees and Asylees
- VAWA Self-petitioners
- Survivors of Domestic Violence, Trafficking, or Other Serious Crimes
  - VAWA; U or T visa applicants
- Special Immigrant Juveniles
- Several other categories of non-citizens

Public Charge: Totality of Circumstances

5 factors
- Family status
- Education & skills
- Income & assets
- Age
- Health
Public Charge: Public Benefits Considered

- General Assistance/ Relief (TANF, SSI)
- SNAP
- Medicaid (*exceptions)
  - *Received by children under 21
  - *Pregnant woman, during pregnancy and 60 after pregnancy
  - *Emergency Medicaid
  - *Medicare Part D Low-income Subsidy
- Section 8 Housing Voucher
- Section 8 project-based subsidies
- Public housing

Public Charge: COVID-19

- Testing + treatment + preventive services will not impact USCIS public charge analysis
  - “Even if such treatment is provided or paid for by one or more public benefits” (e.g. Medicaid)
- Include evidence of loss of job/inability to attend school because of social distancing
- USCIS will not consider use of public benefits by a child in a parent’s PC determination

www.uscis.gov/greencard/public-charge
This applies to USCIS, not State Dept
COVID-19 ASSISTANCE

- Health Care
- Unemployment
- Stimulus Payments
- Food & Nutrition
- Housing (Texas)

Everyone has a right to access health care, regardless of immigration status.
Health Care

- Neither the CARES Act nor the Families First Act alters Medicaid eligibility for immigrants.
  - Medicaid: must be a “qualified alien”
  - There are no specific programs for uninsured immigrants in CARES Act
- Those lawfully present may be able to buy subsidized health insurance in the Marketplace
- Community health centers and clinics where immigrants can get low-cost or free care!
  - See www.AccessHOU.org

Public Charge: Medical Treatment

- USCIS has announced that testing, prevention, or treatment for COVID-19 will NOT be used against immigrants in a public charge test.
- Even if such treatment is provided or paid for by one or more public benefits (e.g. Medicaid)
“Consistent with its sensitive locations policy, during the COVID-19 crisis, ICE will not carry out enforcement operations at or near health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities, except in the most extraordinary of circumstances. Individuals should not avoid seeking medical care because they fear civil immigration enforcement.”

- [Morton Memo on Sensitive Locations](#)
- [ICE Guidance on COVID-19](#)

UNEMPLOYMENT

- Unemployment Insurance
- Paid Sick Leave
### Unemployment Insurance

- To claim unemployment insurance, immigrant must have a valid employment authorization:
  - During the base period for the UI claim
  - At the time of the filing UI claim

- Who cannot get unemployment insurance?
  - Undocumented folks
  - People who had status but lost their status by the time they file their claim
  - USCIS closures are a problem!

*DOL hasn’t set eligibility criteria for new CARES Act program. It’s possible DOL will apply a more restrictive set of eligibility criteria to these programs.*

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### Sick and Family Leave

**Emergency Paid Sick Leave (Families First)**

- Two work weeks (10 days) of job-protected, immediately-available paid sick days for COVID-19 related medical and caregiving needs.
- Through December 2020
- Employers with fewer than 500 employees provide
- Emergency paid sick leave is available to all eligible employees regardless of immigration status.
Sick and Family Leave

Extended FMLA (Families First)
- 12 weeks pay for those unable to work because caring for a child because of school/childcare closures.
  - 66% of your regular pay
- Through December 31, 2020
- Requirements?
  - Must employed at least 30 days
  - Don’t need to meet other FMLA reqs
  - No immigration status-related restriction
  - Applies on to certain types of companies
    - Excluded: 500+ companies, federal employees, front-line staff, ~50 companies if it would put out of business

Job Security

- Can I get fired if I get sick or get diagnosed with COVID-19?
  - Under FMLA, an employer cannot fire you for illness.
  - Available only for certain employees (eg: worked for 1 year+ with that employer)
- Emergency Paid Sick Leave
  - Yes, job protection for ten days where leave is related to COVID-19 medical and caregiving needs
- Extended FMLA
  - No job protection by employers with less than 20 employees
Public Charge: Unemployment

- Unemployment is NOT considered in a public charge determination when applying for LPR status through USCIS!

CASH ASSISTANCE

- Economic Impact Payments (Stimulus Checks)
Cash Assistance

- Immigrants must have valid SSN & valid employment status
  - ITIN is NOT enough
  - Mixed-status households who jointly filed ineligible
  - Children must also have valid SSN

- If not a US Citizen or LPR, must meet “substantial presence test” to show you primarily reside in US.

Cash Assistance


- You should receive your payment automatically if you meet any of the following qualifications:
  - Filed a federal income tax for 2018 or 2019
  - Social Security retirement, disability (SSDI), survivor benefits, Supplemental Security Income (SSI)
  - Recipients of Veterans Affairs benefits and Railroad Retirement benefits

Local Funds: Advocacy!

Tweet at Commissioners!
Retweet @HTXimmigration

The #HarrisCounty #COVID19 #ReliefFund must support people who were unjustly excluded from the CARES Act & whose economic problems have been exacerbated by this crisis. @HarrisCoPct3 @HCPrecinct4 @HarrisCountyAO @AdrianGarcia @RodneyEllis @HarrisCoJudge

Public Charge: Local Funds

- Considers “cash assistance for income maintenance”
- Does NOT consider disaster relief under the Stafford Act, such as FEMA or any “comparable disaster assistance provided by State, local, or tribal governments”
  - On March 13, Trump declared a disaster under the Stafford Act due to the pandemic
No one should go hungry during COVID

- SNAP (food stamps) is for qualified immigrants
- What is available to those who cannot get SNAP?

Food & Nutrition

- Who is eligible? “Qualified Immigrant”
  - LPR 5+ years
  - Asylees, refugees
  - Victim of trafficking
  - Iraqi or Afghan special immigrant status
- Ineligible parents can apply on behalf of U.S. citizen children

- No immigration status requirements
  - Food pantries
  - School nutrition programs
  - P-EBT (Don’t have this in Texas)
  - WIC; D-SNAP; TEFAP
Public Charge: Food & Nutrition

- Receipt of traditional, federally-funded SNAP benefits may be included in a public charge determination.
- Because of eligibility restrictions, few individuals who are eligible for SNAP are also subject to a public charge determination.
- Include a statement & evidence on how COVID-19 required person to rely on public benefits during pandemic and recovery.

- NOT considered in public charge test:
  - Pandemic EBT (P-EBT)
  - WIC; TEFAP; Home-delivered meals

HOUSING (TX)

- Eviction: Suspension
- Utilities: Shut-off suspension
Eviction

- CARES: Moratorium
  - Protection through August 23 for homes covered by federally backed mortgages
  - [https://nlihc.org/federal-moratoriums](https://nlihc.org/federal-moratoriums)
  - Check the lease: should state if the property participates in a housing program

- Supreme Court of Texas
  - Emergency order to temporarily stop most evictions.
    - You must still pay rent
  - Extended through May 18
    - Once moratorium is lifted, eviction cases in court will likely proceed normally.

Eviction Process

- Step 1: Notice to Vacate
  - Written notice of 3 days to vacate (lease controls)
  - The date in the is not the date you will be kicked out. Landlord must go to court to evict

- Step 2: If you don’t leave, landlord can file eviction lawsuit.

- Step 3: If you don’t show up or lose (and don’t appeal), landlord can get a writ of possession.
  - Sheriff will remove you & belongings, but must give at least 24 hours’ notice
  - Under Texas Supreme Court order, no writs may be executed until May 7, 2020.
Utilities

• The Texas Public Utility Commission has halted utility shutoffs until the Governor's disaster declaration ends.
  • Applies to electric, water, and sewer service.
  • Not apply to natural gas, but Centerpoint has stopped shut-offs until further notice

RESOURCES

• HILSC’s COVID-19 Resource Guide: A Living Document of Resources for Immigrant Advocates in Houston
  • tinyurl.com/HouResourceCOVID19

• AccessHOU: www.accesshou.org

• Immigrant Rights Hotline: 1-833-468-4664

• CARES, Family First and Impact on Immigrants (NILC)
If landlord has unlawfully locked you out or any other number of housing law violations, can contact:

- HVL, (713) 228-0732, [https://www.makejusticehappen.org/](https://www.makejusticehappen.org/)
- LSLA, (800) 733-8394, [https://lonestarlegal.blog/](https://lonestarlegal.blog/)

Are there other housing assistance agencies?
**Food**

- HISD, Houston Food Bank, Interfaith Ministries, ECHOS, and many other organizations have been distributing meals/food for Houstonians since the beginning of this pandemic
  - [https://www.houstonfoodbank.org/covid19/](https://www.houstonfoodbank.org/covid19/)
  - [https://houstonrecovers.org/covid19food/](https://houstonrecovers.org/covid19food/)

**Utilities**

- Contact your utility provider and ask about the COVID-19 Electricity Relief Program.
- Low Income List: suspended disconnections:
  - Call 866-454-8387 to ask to join the list (must qualify for unemployment benefits with proof from TX Workforce Comm)
Internet

- See: https://texaslawhelp.org/article/internet-access
- Starting on March 13, 2020, participating providers agreed to:
  - Not disconnect internet or phone for 60 days
  - Waive late fees for nonpayment due to COVID-19 for 60 days
  - Provide free wi-fi hotspots for 60 days
- Participating internet providers include:
  - AT&T
  - T-Mobile
  - Spectrum/Charter
  - CenturyLink
  - GoogleFiber
  - Sprint
  - Comcast
  - Verizon

Q & A