



INDIANA UNIVERSITY

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IMMIGRATION POLICY & COVID-19 IMPLICATIONS OF THE PUBLIC CHARGE RULE

BACKGROUND

On February 24, 2020, Congress passed the Public Charge Grounds Inadmissibility legislation, also known as the public charge rule. The rule allows the federal government to determine whether a person is likely to become a public charge—a noncitizen who receives public benefits for the total of any 12 months during a 36-month period.¹ These benefits include cash assistance that supplements individual or household income, such as Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF), among other sources.¹

Adopting the public charge rule a month before the COVID-19 pandemic began may have compromised the collective health and economic security of immigrant populations already living in the U.S. and Indiana. Executive orders have also closed nonessential businesses that disproportionately hire immigrants. Therefore, this brief examines the initial implications of the public charge rule on low-income immigrants during the COVID-19 pandemic.

PUBLIC CHARGE AND COVID-19

LOSS OF EMPLOYMENT

Unemployment among immigrants may affect their future immigration status. In Indiana alone, unemployment claims have totaled more than 641,000 since March 14, 2020.² The leisure and hospitality sectors have sustained significant job losses, especially in restaurants and bars, due to state-mandated business closures.³ Construction, mining, retail, health care, and social assistance services also experienced declines.³ These COVID-19-

related business closures leave low-income immigrants more susceptible to the public charge rule, since low-wage earning immigrants make up about 20 percent of layoffs in these industries, nationally.⁴ The loss of stable income forces immigrants to seek cash assistance or other benefits to cover basic expenses. In doing so, these immigrants could run the risk of being labeled a public charge by the U.S. Immigration and Citizenship Services, which can affect their future immigrant status.

CARES Act lacks financial assistance for many immigrants

The Coronavirus Aid, Relief, and Economic Security (CARES) Act is a \$2 trillion stimulus package to provide economic relief to individuals, households, and businesses affected by the public health crisis. Under the federal stimulus package, citizens, lawful permanent residents, and resident aliens who make less than \$75,000/year can receive a one-time cash payment of \$1,200. Individuals who make \$75,000 to \$99,000 annually receive a staggered amount. Households with incomes below \$150,000 receive \$2,400. An additional \$500 is given for each qualifying dependent.⁵

While some immigrants are eligible for some financial assistance, many legal and undocumented immigrants do not qualify. A person must have a Social Security number (SSN) to receive aid from the stimulus package.⁵ This requirement prevents undocumented immigrants, mixed-status families, and legal immigrants without Social Security Number from receiving financial assistance. For instance, an immigrant filing taxes with an Individual

Note: Given the fast-changing nature of the topic, some of the numbers and issues highlighted in this brief may be dated.

Taxpayer Identification Number (ITIN) does not qualify for the financial assistance. In a mixed-status family, only the taxpayer with an SSN would qualify. Therefore, the household receives half the amount compared to households that have adults with SSNs. Given the limitations of the federal stimulus package, the likelihood of being labeled a public charge determination is increased because immigrants would have to apply for other benefits.

Unemployment benefits available for some immigrants

Despite ineligibility for the stimulus package, some immigrants can still receive unemployment benefits during COVID-19. The public charge rule designates unemployment insurance as an earned benefit rather than a public benefit. By law, unemployment benefits are available to everyone regardless of immigrant status.⁶ However, the immigrant seeking unemployment must be legally able to work both when they apply and throughout the entire time they receive benefits. This requirement makes it impossible for undocumented immigrants without a valid work permit to apply for unemployment insurance. Furthermore, immigrants who have work authorization may fear applying for these benefits due to the public charge rule.

The inability to receive financial assistance—from the stimulus package, unemployment benefits, or cash assistance—puts already vulnerable immigrant populations at risk during the COVID-19 crisis. The lack of available government resources may force low-wage immigrant workers to stay in the workforce so they can meet their basic needs and take care of family members affected by the public health crisis. This places immigrants at higher risk of contracting COVID-19, which could increase community transmission and reduce the effectiveness of strategies aimed at flattening at the curve.

COVID-19 MEASURES

Fear of seeking testing & inability to receive treatment

On March 16, 2020, U.S. Immigration and Citizenship Services announced that the public charge rule does not apply to COVID-19-related testing and treatment. Despite the exemption, Immigration

and Customs Enforcement (ICE) has continued to carry out immigration enforcement, check-ins, and removals across the U.S. Many undocumented families choose to avoid treatment centers due to fear of law enforcement measures and potential disclosure of immigration status by health care workers.⁷ To complicate the issue, rumors persist within the immigrant community that receiving COVID-19 treatment would disqualify them from lawful permanent residence.

Low insurance coverage among immigrants may deter them from seeking treatment

Immigrants are far more likely to be uninsured than U.S. citizens.⁸ The inability to use Medicaid insurance coupled with the exclusion from the federal stimulus package puts immigrant families in adverse financial situations and at greater risk of accumulating medical debt. For example, hospitalization due to COVID-19 can cost up to \$73,000.⁹ Low-wage immigrant workers struggling to take care of basic needs cannot afford those medical fees. While some immigrants are eligible for Emergency Medicaid if they meet federal income guidelines, those benefits are determined by states. Indiana is not among the few states that have implemented policies specific to Emergency Medicaid and COVID-19 treatment, including telemedicine, foreign language services, primary care, and oxygen.

Generally, the lack of testing equipment available nationally means that testing is prioritized for high-risk populations and health care workers on the front lines of the COVID-19 pandemic.¹⁰ Immigrants' fears about testing and treatment can create potential outbreaks, negatively impacting the larger community. This fear is especially prevalent among immigrants working in essential businesses. A Brookings Institute report suggests that essential workers have a closer proximity to others and a higher likelihood of exposure to disease because of that proximity.¹¹ Essential immigrant workers who have untreated symptoms and have not tested positive for COVID-19 would likely infect other people through direct contact. As a result, infection rates will continue to increase and community recovery will take longer.

PUBLIC CHARGE RULE EFFECTS ON LOW-INCOME IMMIGRANTS DURING COVID-19

PUBLIC CHARGE RULE EXCLUDES IMMIGRANTS FROM PUBLIC BENEFITS

- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- General Assistance
- Supplemental Nutrition Assistance Program (SNAP)
- Housing assistance programs (Section 8, rental assistance, public housing, etc.)
- Medicaid



COVID-19 MITIGATION EFFORTS

- Mandated stay-at-home order
- Essential businesses only
- Social distancing
- CARES Act
- Unemployment Insurance (UI)

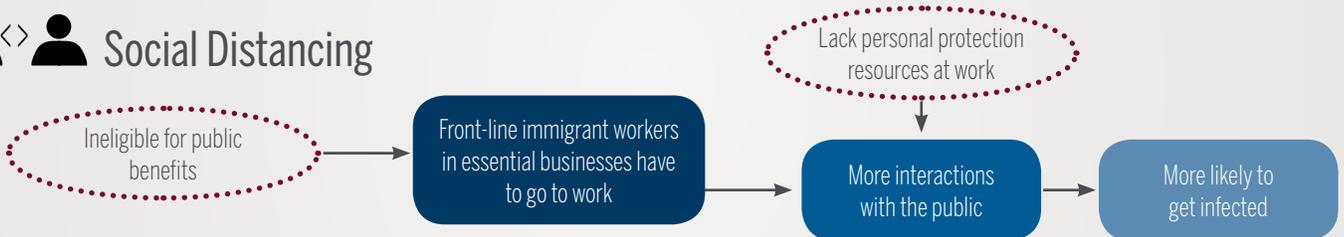
POLICY IMPLICATIONS



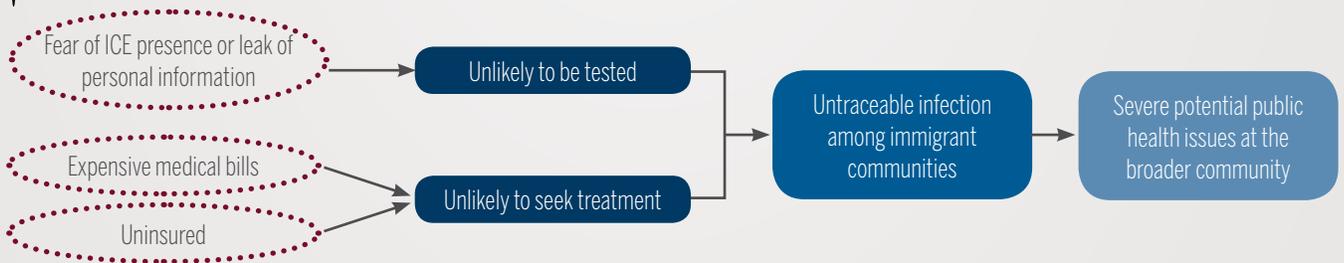
Loss of Employment



Social Distancing



Testing & Treatment



INDIANA RESPONSES

Local immigrant-focused groups are offering services for immigrants in need.



Health & well-being



Direct financial relief



Legal consulting



E-learning



RECOMMENDATIONS

- Federal and state pandemic relief services for immigrants
- Suspend the public charge rule
- Diverse medical services for immigrants in Indiana
- Continued support for immigrant-focused groups in Indiana

Difficulties in social distancing:

Service workers & multigenerational households

The U.S. has relied heavily on teleworking strategies to avoid the transmission of COVID-19.¹² However, teleworking is not accessible to large portions of our society. Racial minorities and low-income workers, including immigrants, have fewer opportunities to work from home because more of them tend to work in service industries.¹² As a result, immigrants working in factories, supermarkets, delivery, sanitation, and poultry and meat processing sectors are more likely to be exposed to COVID-19. On April 29, 2020, Indiana's Tyson plant in Cass County suspended operations¹³ when nearly 900 of its 2,200 employees tested positive for COVID-19.¹⁴ Since immigrants are disproportionately represented in meat processing industries, such as Tyson,¹⁵ it is highly likely that immigrants are among those who tested positive. While these services are considered essential to society, some immigrant workers at front lines of these industries have no other choices but to continue working onsite without public benefits support.

Suggestions for people to stay at home mean that they should be able to meet basic needs and take care of family members. The massive layoffs in industries with immigrant populations and the lack of available government benefits reduce the likelihood that immigrants can stay home. Without the ability to work, they would be unable to fully provide for themselves and family members. Immigrants who lost their jobs have few options but to find other work in order to sustain their livelihood. Many are forced to single-handedly support themselves and provide for families in their home countries also affected by the global pandemic. Some immigrants, especially low-wage workers and undocumented immigrants, do not have the ability to properly social distance because of fewer relief opportunities available to them.

Given these circumstances, immigrant populations may be at higher risk of infection compared to those who are more economically secure. Living situations exacerbate these rates because many immigrant families live in multigenerational housing,¹⁶ increasing the likelihood of transmission and greater risk for the larger community.

EFFORTS IN INDIANA

More than 70 percent of Indiana's immigrants work in service industries or have low-wage jobs.¹⁷ Since March 14, there have been about 641,000 jobless claims filed in the state, accounting for 18.9 percent of Indiana's labor force.² It is still unclear how many of these jobless claims are filed by immigrants or how many of those immigrants qualify for unemployment insurance. However, loss of employment means an overall reduction in spending power and taxes generated from immigrant populations and the closure of locally owned small immigrant businesses that provide employment opportunities.

According to the Immigrant Welcome Center (IWC), Indiana immigrant communities are experiencing unique challenges. For example, immigrants have reported concerns about the consequences of being stopped by law enforcement while driving during the crisis.¹⁸ Some are confused about the process for maintaining or renewing visas given the suspension of immigration services without an official announcement of alternative policies or grace period extensions. IWC asserts that the shortage of translation services in critical care facilities delays the delivery of important services to immigrant families who do not speak English.

Despite the restrictions of the public charge rule, local immigrant-centered organizations continue to provide services to mitigate the challenges immigrants encounter due to COVID-19. Indiana Undocumented Youth Alliance (IUYA), Dreamers Alliance, Cosecha Indiana, and Proyecto Siembra collectively support local immigrant communities through direct financial relief. In March 2020, IWC launched the Community Connect Program to address the immediate needs of immigrant families during the pandemic. The program identifies and connects immigrants with multiple referral services and works with partner organizations to conduct wellness checks on clients. This network of organizations shares the information they collect to identify gaps in services and opportunities to expand current efforts.

Although community-based organizations quickly adapted to the COVID-19 crisis and managed to help immigrant families in need, organizations that provide direct financial assistance for basic needs (e.g., rental assistance, utilities, and groceries) lack awareness on how such funding should be allocated without affecting someone's immigration status. Limited knowledge of the provisions of the public charge rule can impact immigrants hoping to adjust their future status. Both the city and the state need to consider the long-term impact of thousands of at-risk immigrant families living without pay, stable housing, or proper health care.

CONSIDERATIONS

IMMIGRATION PANDEMIC RELIEF SERVICES

In 2018, immigrants paid \$458.7 billion in taxes.¹⁷ Taxes form the backbone of our society and heavily influence the types of public benefits the government can provide to those in need. The Migration Policy Institute (MPI) estimates about 6 million immigrants continue to risk their lives working in frontline industries to reduce the impact of COVID-19.⁴ On a federal level, expanding the eligibility requirements of the federal stimulus package to incorporate benefits for all immigrants can ease some of the challenges they currently face. This financial assistance can help to cover rent, groceries, and other basic necessities.

While a federal relief policy may be more effective, state governments can also support immigrants during this precarious time. In California, for example, Gov. Gavin Newsom introduced a \$125 million COVID-19 disaster relief fund to provide financial assistance to undocumented immigrants. Adults receive a one-time \$500 benefit, with a cap of \$1,000 per household. The fund consists of \$75 million from state funds and \$50 million from private philanthropists.¹⁹ Without this kind of financial support, immigrants will continue to be at risk.

PUBLIC CHARGE RULE SUSPENSION

In light of COVID-19, the public charge rule may have a detrimental effect in curbing the spread of the virus. Suspending the public charge rule may encourage immigrants to seek medical attention once they have

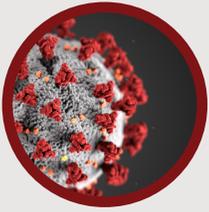
noticed symptoms related to COVID-19. With this suspension, immigrants would have greater access to relief services. That access would allow low-income and undocumented immigrants to follow shelter-in-place protocols. However, on April 24, 2020, the Supreme Court of the U.S. (SCOTUS) turned down appeals by the District Courts of Illinois and New York to pause the public charge rule during COVID-19.²⁰ Given the SCOTUS decision, future research is needed to study the social and health impacts of COVID-19 in respect to the public charge rule.

DIVERSE PUBLIC & MEDICAL SERVICES FOR LOCAL IMMIGRANTS

Local policymakers could offer flexible emergency services and loosen policies for public safety and health. That would include positive, culturally responsive messages to immigrant communities to address the importance of testing and ensure their safety at health care centers. Comprehensive COVID-19 treatment could be provided to meet immigrant needs. For example, in a climate of distrust, immigrant patients with mild symptoms may feel more at ease resting at home. Indiana could adopt flexible Emergency Medicaid policies, similar to those found in New York state, including bilingual medical professionals and telemedicine to ensure immigrants receive timely medical treatments.²¹

CONTINUED SUPPORT TO LOCAL IMMIGRANT-FOCUSED GROUPS

Immigrant communities play an integral part in local cultural and economic life. Although there is no official local government agency specializing in immigration issues, local support groups are bridging resources for families in need. State and local agencies should consider connecting local immigrant organizations with medical institutions. Staff and volunteers from local immigrant-focused groups can provide translation services and help build trust between medical professionals and non-English speaking families.



FACT SHEET: COVID-19 impacts on immigrants



Immigrants in the United States¹

44.7 million

Immigrant population

\$60,000

Median household income

15%

Living below poverty

17%

U.S. labor force



Immigrants in Indiana²

350,000

Immigrant Hoosiers

92,000 Undocumented immigrants

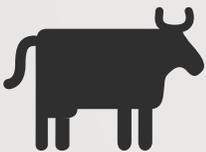
10,000 Deferred Action for Childhood Arrivals (DACA) recipients

1,807 Temporary Protected Status (TPS)

1,200 Dreamers without DACA status



Top industries with immigrant Hoosiers³



Animal slaughtering
& processing

37%



Landscaping
services

16%



Higher
education

15%



Warehouse
& storage

14%



Manufacturing

12%

Sources: (1) Migration Policy Institute. (March 31, 2020). Frequently Requested Statistics on Immigrants and Immigration in the United States.

(2) National Immigration Forum. (July 3, 2019). Fact Sheet: Immigrants in Indiana.

(3) New American Economy. (May 13, 2020). How immigrants drive the economy in Indiana.



Immigrant income & taxes

	U.S.	INDIANA
Total immigrant household income	\$1.6T	\$10.8B
State & local taxes	\$150B	\$1B
Federal taxes	\$308.6B	\$1.9B

Source: New American Economy. (May 13, 2020). How immigrants drive the economy in U.S. and Indiana.



COVID-19 statistics

	U.S.	INDIANA
Confirmed cases	1,504,830	29,274
Deaths	90,340	1,716
Fatality rate	6.0%	5.9%

Source: Johns Hopkins Coronavirus Resource Center. (May 19, 2020). COVID-19 United States Cases by County.



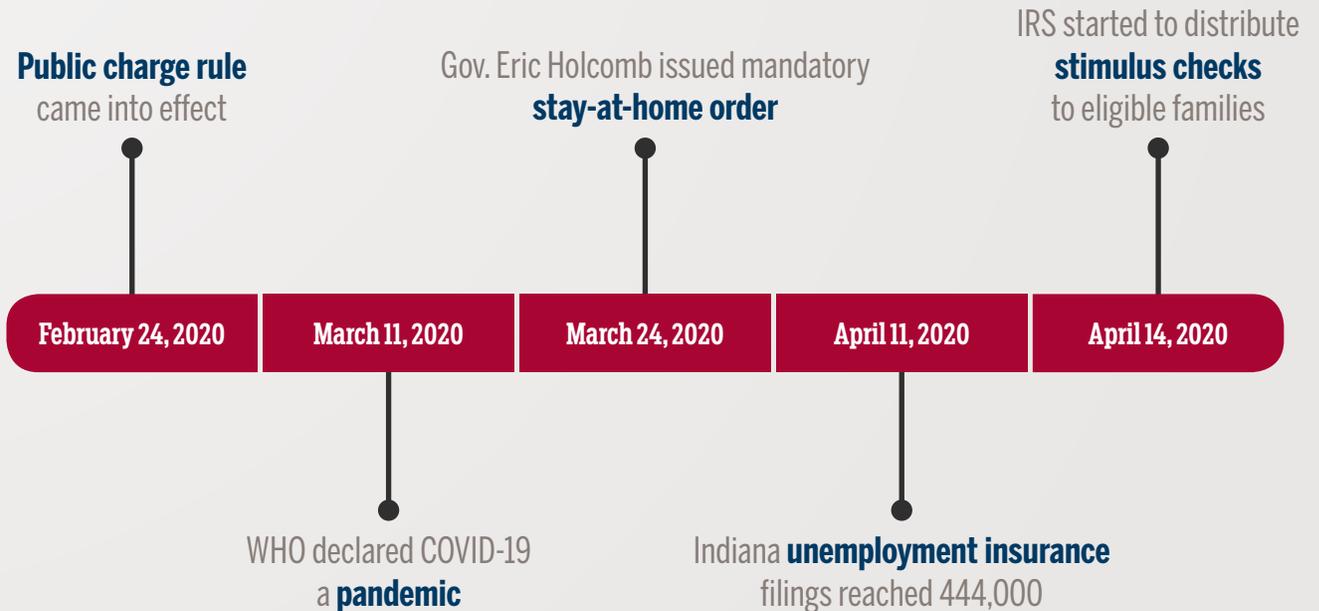
Unemployment

	U.S.	INDIANA
Jobless claims	More than 36 million	641,205
Share of people impacted (% labor force)	19.0%	18.9%

Source: Chivaya, N. & Wu, J. (2020). The Coronavirus Has Destroyed the Market in Every State. NBC News.



Timeline



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The Center for Research on Inclusion & Social Policy (CRISP) was created to address complex social issues and the effects of social policy through applied, data-driven, and translational research. CRISP analyzes and disseminates community-relevant research about social disparities and policy issues. CRISP is housed within the IU Public Policy Institute (PPI), which also supports the Center for Health & Justice Research (CHJR) and the Indiana Advisory Commission on Intergovernmental Relations (IACIR).

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