

CARES ACT BRIEF: IMMIGRATION & LATINOS

The novel coronavirus (COVID-19) has led to an unprecedented nationwide health and economic crisis. As more of our neighbors fall ill and the death toll rises, the pain and hardship caused by the pandemic will grow. Unfortunately, the brunt of these hardships will fall primarily on the shoulders of our nation's working-class families, including the nation's 58 million Latinos, who make significant contributions to the nation's economy and prosperity yet continue to face longstanding disparities. While today 80% of Latinos are U.S. citizens and half of those remaining are legal permanent residents, a lack of responsiveness to the needs of the relatively few Hispanic adults who do not have permanent legal immigration status during this health crisis will be felt by millions of families and the American children within them.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), a \$2.2 trillion bipartisan package from Congress, is a crucial step to protecting the health and economic well-being of millions of Americans hit hardest by the crisis. The Act follows—and in some cases builds on—two other packages, the [Families First Coronavirus Response Act](#) and [Coronavirus Preparedness and Response Supplemental Appropriations Act](#)—and includes priority areas that [UnidosUS asked Congress](#) to address. Namely, it includes some needed relief for American workers and their families, small businesses, nonprofit organizations, and hospitals, as well as local health systems. The CARES Act is a good step to helping workers and families already feeling the effects of a sharp economic downturn. However, policymakers have a lot of work to do to address remaining needs that will become even more urgent as this event and its effects continue.

Here is a look at what the CARES Act does with regard to immigration.

How does the CARES Act improve health coverage and care for noncitizens?

The CARES Act leaves in place immigration-status-related restrictions on health programs and does nothing to extend coverage options to uninsured noncitizens. The CARES Act does include some funds to reimburse providers for testing *any* uninsured person. While states may cover testing for the uninsured through their Medicaid programs, this remains optional and immigration restrictions still apply to Medicaid participation. Because the CARES Act did not change current laws as it pertains to noncitizens accessing health care, many uninsured noncitizens could face difficult decisions between affordability and health services provided as part of COVID-19 treatment.

How does the CARES Act improve food assistance for noncitizens?

The CARES Act does not modify the general ineligibility of undocumented individuals from accessing federal nutrition assistance programs. The CARES Act also does not change the five-year waiting period currently in place for lawfully permanent resident adults to access the Supplemental Nutrition Assistance Program (SNAP), which helps millions of Latino families put food on their table when times are tough. Importantly, eligible family members in mixed-status families retain access to nutrition assistance

programs like SNAP. In addition, for families with children participating in school meal programs such as school lunch, those children remain eligible for meals as schools establish procedures for safely administering meals in the current environment. Moreover, we are also monitoring state policy actions that may activate food assistance through the Disaster Supplemental Nutrition Assistance Program (D-SNAP) so that as many low-income families as possible who need relief can receive it.

Who can receive direct relief payments under the CARES Act?

The CARES Act excludes millions of taxpaying Latino families from receiving direct federal stimulus checks by generally requiring each family member to have a Social Security Number. This disproportionately affects many taxpaying Latino households that have family members who file taxes using Individual Taxpayer Identification Numbers (ITINs). Moreover, this general restriction also bars access to \$500 credits for at least [5.1 million](#) U.S. citizen or noncitizen children with Social Security Numbers.

How does the CARES Act improve unemployment benefits and work permits for noncitizens?

Undocumented workers and noncitizens who are not currently work-authorized generally remain ineligible for unemployment benefits under this bill. For noncitizens who are work-authorized, including DACA and TPS holders, there may be relief but their access to unemployment benefits [may differ](#) on a state-by-state basis. For more on this, check with your [state's unemployment agency](#). Additionally, the CARES Act does not include provisions to automatically extend work permits for DACA and TPS holders.

How does the CARES Act affect immigration enforcement activities?

While not expressly restricting [counterproductive](#) immigration enforcement activities, the CARES Act did not add new funding for U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection. The Act also restricts the U.S. Department of Homeland Security from transferring funds destined for health-related use to fund enforcement activities and prevents the U.S. Department of Defense from using pandemic-related funds for wall construction on the southern border.

Our collective advocacy has, however, led to outside clarification of enforcement activity as it relates to COVID-19. Specifically, ICE issued [guidance](#) stating it will not carry out enforcement operations at or near health care facilities. Additionally, U.S. Citizenship and Immigration Services [formally stated](#) that its public charge rule does not restrict access to testing, screening, or treatment of communicable diseases, including COVID-19.

What is next?

As noted above, the CARES Act did not provide much needed direct aid to noncitizens. There are a few areas of the new law, however, where administrative implementation could be carried out in ways that are helpful to these families. Funding support for nonprofit human needs service providers could ensure that families left out and in need have a place to turn to in their communities. Aid to states and localities such as FEMA assistance and the Community Development Block Grant could provide local leaders with the flexibility to aid severely vulnerable families who have few safety-net alternatives.

Mixed-immigration-status families remain among the most vulnerable in the country since many have already suffered tremendously at the hands of the administration's cruel anti-immigrant campaign. UnidosUS will work with our Affiliates throughout the nation to ensure that our national leaders deliver support to families in *all* of America's diverse communities. Our priorities will include work to:

- **Expand the availability of affordable COVID-19 testing and treatment for all.** It is in the public health interest to ensure that all individuals, regardless of immigration status, have access to coronavirus testing and treatment, including the uninsured and underinsured. Extending Medicaid coverage, and removing federal barriers to Medicaid, is the most effective means of achieving swift enrollment and full access to COVID-19 screening or treatment for as many people as possible.
- **Ensure access to emergency economic supports.** UnidosUS will continue to advocate for taxpaying families to receive support, including the millions of mixed-status homes left out of the CARES Act. Mixed-status families are expected to be [disproportionately hit](#) by this emergency. Our country relies on these workers to strengthen local economies, and they will be vital in the economic recovery following the pandemic. Extending direct relief payments, providing unemployment benefits to all taxpaying families, and eliminating the five-year waiting period for lawfully permanent resident adults to access SNAP will help provide support to all families in this unprecedented time of need.
- **Seek the automatic renewal of Employment Authorization Documents.** The COVID-19 health crisis has exposed the recklessness of the administration's cruel immigration agenda, leaving many individuals and the communities they help support in this time of crisis more uncertain than ever. Those with expiring work permits, including DACA and TPS holders, should have their work permits automatically renewed by the U.S. Department of Homeland Security to avoid needlessly facing unemployment and financial uncertainty throughout the pandemic.
- **Revoke regulations harming American children in mixed-status homes.** The Trump administration has promulgated a "basket of polices" designed to block low-income, predominantly Latino immigrants from the legal avenues of entry into our nation. In so doing, our own research is confirming the deleterious health, education, and economic spillover effects on American children. These harms will assuredly be compounded by the COVID-19 health crisis, which is why regulations like the DHS public charge rule and its numerous companions, the U.S. Housing and Urban Development rule on mixed-status households, and others must be revoked.