

What Immigrants Need to Know During COVID

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Protecting Immigrant Families-Illinois (PIF-IL)

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Convened By: ICIRR, Latino Policy Forum, Legal Council for Health Justice, Shriver Center on Poverty Law

Steering Committee Members:

- AIDS Foundation of Chicago
- Asian Human Services
- Catholic Diocese of Joliet
- Elevate Energy
- Erie Family Health Center
- Greater Chicago Food Depository
- Health & Medicine Policy Research Group
- Healthy Illinois Campaign
- Housing Action Illinois
- Illinois Coalition for Immigrant and Refugee Rights (ICIRR)
- Illinois Chapter of the American Academy of Pediatrics
- Legal Aid Society of Metropolitan Family Services
- Legal Council for Health Justice
- National Immigrant Justice Center
- Shriver Center on Poverty Law
- The DuPage Federation
- The Latino Policy Forum
- The Ounce of Prevention Fund
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Welcome & Reminders

1. There are over 500 webinar registrants (welcome and thank you!) so everyone will be on mute.
 2. Please use the Chat Box to ask Questions. We will be monitoring the questions and will provide time for Q&A. Any unanswered questions will be answered after the webinar and included in an FAQ that will be sent to webinar attendees and posted on PIF-IL website.
 3. The webinar and a PDF of slides **will be recorded** and will be provided after the webinar.
- This webinar will be presented again, 4/12/20 at 10am in Spanish by ICIRR and the Latino Policy Forum: Regístrese para la presentación titulada: *Lo que las familias inmigrantes de Illinois deben saber durante la pandemia de COVID*. Los asistentes al seminario web comprenderán lo que las familias inmigrantes de Illinois necesitan saber en respuesta a la pandemia de COVID. Los temas incluyen: cambios en la política y la aplicación de la ley de inmigración, la elegibilidad de los inmigrantes para ciertos beneficios y programas públicos (incluidos los beneficios de desempleo, atención médica y cobertura, programas de nutrición y otros programas de emergencia) y cómo / si la regla de carga pública final afecta el acceso a estos programas. También se presentarán recursos y referencias para familias inmigrantes de Illinois.
 - **Cuando:** Abril 22, 2020, 10:00-11:00 CST.
 - **Registrar**
aquí: https://povertylaw.zoom.us/meeting/register/tJ0rcu6prjgpG9FgYjKYNbDf_3qRzihh1MH . Después de registrarse, recibirá un correo electrónico de confirmación.

Agenda

- Immigrants and Benefits Under New COVID-19 Federal Laws
 - Unemployment Insurance
 - Recovery Rebate
 - Emergency Sick Leave
 - Emergency FMLA Expansion
 - SNAP/ Nutrition Programs
 - Housing Assistance
 - Health Care and Coverage
- Public Charge Test and how it is factored into benefits used during COVID crisis
- Other Relevant Policy Changes
- Resources
- Questions

Webinar is being recorded and slides will be available

**Unemployment Insurance
Recovery Rebate
Emergency Paid Sick Leave
Emergency FMLA Expansion**

New Federal Unemployment Benefits Programs

Unemployment Insurance Program is a federal program administered by states (IL Department of Employment Security) that gives people who lose their jobs through no fault of their own payments based on their work history until they can find another job. The CARES Act builds on this existing UI program and creates three new ones:

1. **Pandemic Unemployment Compensation (PUC):** Gives \$600 more per week to anyone receiving payments under the regular UI (that already existed before this new law) and the new Pandemic Unemployment Assistance (PUA) (see below) through July 31, 2020.
2. **Pandemic Emergency Unemployment Compensation (PEUC):** Gives 13 more weeks of UI benefits after the regular UI benefits run out (total of 39 weeks)
3. **Pandemic Unemployment Assistance (PUA):** Program for those who do not qualify for the regular UI program or have already received all the benefits available through the regular UI program and have lost their job because of COVID-19. This includes: self-employed workers, independent contractors, gig workers, freelancers, workers seeking part-time work, and workers who do not have long-enough work history to qualify for regular UI benefits. Expire on December 31, 2020 absent any extensions.

Immigration-Related Eligibility Requirements for Unemployment Insurance Programs

- To be eligible for the existing unemployment program (including the \$600 extra dollars), you must have **valid work authorization** at the time you apply for benefits, throughout the period you are receiving benefits, and during the “base period” (in Illinois is within the last year before you applied for unemployment).
- The following immigrants statuses **are eligible** for the existing unemployment program:
 - Legal Permanent Residents (Green card holders)
 - DACA
 - Temporary Protected Status (TPS)
 - Refugees and Asylees
 - U and T visa holders
 - and others...
- It is still unclear what the immigrant eligibility will be for the new PEUC and PUA programs.
- Undocumented individuals who do not have work authorization do not qualify for any for of the UI programs.

Regular Unemployment Insurance Eligibility

Illinois eligibility requirements for regular UI, along with their PUC and PEUC extensions:

- Have earned \$1,600 total during your “base period” (within the last year)
- \$440 must have been earned outside of your highest paid quarter
- Have become unemployed through no fault of your own (including due to COVID-19)
 - Temporary Layoff due to COVID-19 are eligible, if:
 - You are confined to your home due to a COVID-19 diagnosis, or because you need to care for a spouse, parent, or child who’s been diagnosed with COVID-19
 - You have had to leave work due to a child’s school closure
- Are able and available to return to work (this requirement has been relaxed)
- The maximum individual weekly unemployment benefit is currently \$484.00 (plus \$600 per week until July 31,2020)

Pandemic Unemployment Assistance

To be eligible for Pandemic Unemployment Assistance you must be (1) partially or fully unemployed; OR (2) unable or unavailable to work because of one of the following COVID-19-related circumstances;

- They have been diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- They are providing care for someone diagnosed with COVID-19;
- They are providing care for a child or other household member who can't attend school or work because it is closed due to COVID-19;
- They are quarantined or have been advised by a health care provider to self-quarantine;
- They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak;
- They have become the breadwinner for a household because the head of household has died as a direct result of COVID-19;
- They had to quit their job as a direct result of COVID-19;
- Their place of employment is closed as a direct result of COVID-19; or
- They meet other criteria established by the Secretary of Labor.

Recovery Rebate

- One-Time Direct Payment
- \$1,200 for individuals making up to \$75,000
- \$2,400 for married couples filing jointly making up to \$150,000
- Rebate amount is reduced for higher income individuals
- Phases out completely at \$99,000 (single)/\$198,000 (joint filers)
- Rebate amount based upon 2018 or 2019 Tax Return
- An additional \$500 rebate is available per child under 17 claimed as a dependent on the eligible taxpayer's return

Immigration-Related Recovery Rebate Eligibility

- **Social Security Number (SSN) Requirement:**
 - Individual filers and couples filing jointly must have valid SSNs (exception for armed forces).
 - Children claimed as dependents for the \$500 rebate must have valid SSNs.
- **Individual Taxpayer Identification Number (ITIN) filers:**
 - If both partners in a married couple are ITIN filers, no one in the household is eligible for the return, regardless of whether they file jointly.
 - If the ITIN filer claims dependents with SSNs, the ITIN filers and the dependents are not eligible for the return.
- **Mixed Status Joint Filers**
 - For mixed–immigration status married taxpayers (where one taxpayer has an SSN and the other taxpayer has an ITIN), the couple would need to file separately in order to claim the rebate for any eligible household members. However, filing separately may render a person ineligible for Affordable Care Act subsidies that may be larger than the Recovery Rebate. Taxpayers should consult professional tax preparers.
- **“Resident Alien” requirement:**
 - Taxpayers and any children claimed will also need to be “resident aliens,” which basically means that if they are not a U.S. citizen or lawful permanent resident, they reside primarily in the United States.

Other Recovery Rebate Eligibility Requirements

- Must have filed a 2018 and/or a 2019 tax return or be receiving Social Security Retirement or Social Security Disability Insurance (SSDI) benefits
- If you filed a 2018 or 2019 tax return or receive Social Security or SSDI benefits, you do not need to apply for the rebate as it will be issued automatically
 - Payment will be deposited through direct deposit into bank account or a check will be issued.
 - Social Security and SSDI beneficiaries can have payment delivered in their monthly benefits
- If you did not have to file taxes but are eligible, you will need to file a simple tax return to get the payment.
 - [IRS.gov/coronavirus](https://www.irs.gov/coronavirus) will provide instructions

Emergency Paid Sick Leave

- Certain employers are required to provide a total of 80 hours of paid sick time related to COVID-19
- Maximum payment
 - \$511 per day/\$5,110 total for self-care
 - \$200 per day/\$2,000 total for family care
- Part-time workers are also entitled to emergency paid sick leave
- Impact on Existing Policies
 - Sick time under the bill must be in addition to any employer provided leave
 - Sick time under the bill is also in addition to any government mandated paid sick time
 - Chicago and certain parts of Cook County requires some employers to provide up to 5 paid sick days
 - Employer cannot require an employee to use accrued time before emergency time
 - Employer cannot require an employee to find replacement workers
- Effective from April 1, 2020 to December 31, 2020

Emergency Paid Sick Leave Employee Eligibility

- Those covered can immediately seek emergency paid sick leave regardless of hours worked or time working for employer
- When can an employee take emergency paid sick leave?
 - To obtain a medical diagnosis or care if experiencing symptoms
 - To self-quarantine due to COVID-19 concerns under the advice of a health care provider
 - To comply with a federal, state, or local quarantine or isolation order related to COVID-19
 - To comply with a recommendation from a public health official
 - To care for an individual who is self-isolating because of diagnosis or symptoms
 - When taken for this purpose, rate of pay is reduced to $\frac{2}{3}$
 - To care for a child if school or place of care is closed
 - When taken for this purpose, rate of pay is reduced to $\frac{2}{3}$
- Employees must ask their employer to use emergency paid sick leave
- Those eligible can seek emergency paid sick leave beginning April 1, 2020 until December 31, 2020

Emergency Family and Medical Leave Act Expansion

- Only for employees unable to work/telework because the employee's child's school or place of care is closed, or if the child's usual care provider is unavailable because of the COVID public health emergency.
- Employers are required to provide up to 12 weeks of job-protected leave for COVID-related absences (80 hours of sick time plus 10 weeks of emergency leave)
- Available to full-time, part-time, and temporary employees who have been on the job for at least 30 days
- Pay should be calculated on an employee's normal schedule, including overtime
- First 10 days may be unpaid; these days can be combined with paid sick days or other leave
- After 10 days, employer must pay worker 2/3 of their wage, up to \$200 per day/\$12,000 total
- These rights are in addition to existing rights under Federal FMLA
- Job Protection
 - Employee has a right to job restoration under the FMLA
 - Exception for employers with fewer than 25 employees under certain conditions
 - Exception for Undocumented workers and individuals without work authorization
 - If they are fired for asking for emergency FMLA expansion the employer is not required to hire them once again.

Emergency Paid Sick Leave and FMLA Expansion Employer Eligibility

- Which employers are **required** to provide emergency paid sick leave and FMLA?
 - Public employers of all sizes
 - Private employers with fewer than 500 employees
 - No exceptions for nonprofit organizations
 - **Businesses with fewer than 50 employees may qualify for exemptions**
 - Under the Act, special rules apply for Health Care Providers and Emergency Responders.
 - Employers (including self-employed and gig economy workers) will receive reimbursement from the federal government for wages provided to workers through a quarterly tax credit

Immigration-Related Emergency Paid Sick Leave and FMLA Expansion Eligibility

- Employees are entitled to emergency paid sick leave and FMLA **regardless of their immigration status.**
- Emergency Paid Sick Leave and FMLA are paid directly to employees by their employers in the same way wages are paid
- Tax Credit for Self-employed: No restriction to access to these tax credits based on the type of taxpayer identification number used by a self-employed individual.
- Generally no involvement with government agencies unless an employee decides to file a claim for violations of a the law

Emergency Paid Sick Leave and FMLA Enforcement

- Workers will be protected against retaliation, including job loss, discipline, and/or discrimination, for using their sick leave or FMLA, filing a complaint alleging employer violations, or testifying in a legal proceeding alleging employer violations
- These laws are enforced by U.S. Department of Labor, which does not inquire into workers' immigration status in conducting its enforcement activities
- In some cases, an employee also has a right to sue in court
- For undocumented workers and individuals who do not have work authorization, they still are entitled to paid sick leave and FMLA but if they are fired for asking for paid sick and FMLA leave the employer is not required to hire them once again.
- Undocumented workers can file a complaint or sue in court to try to recover the wages they are owed for needing to use the paid sick leave or FMLA

SNAP/ Nutrition Programs

SNAP

- Most DHS offices closed (apply online or by phone – <https://abe.illinois.gov/abe/access/>)
- All households get maximum benefit for their household size for April and May.
- Program waivers to make applying easier, but no change to immigration status requirements.

Able Bodied Adults Without Dependents (ABAWD) rule suspended

- Single adults 18-49 in Cook and DuPage Counties were subject to work requirements and if they didn't comply or prove an exemption would only be entitled to 3 months of SNAP in a 36-month period.
- Those work requirements have been waived until the end of the month after the end of the public health emergency.
- The Families First law eliminates the ABAWD rule nationwide, for the duration of the currently declared national emergency. So, for now, there are no ABAWDs in IL and anyone who might normally considered an ABAWD should apply for SNAP, ideally online or by phone.

Pandemic EBT

- Special food assistance program providing an EBT card with emergency food benefits for families with children who would have been receiving free meals @ school. Retroactive to school closures; available through end of school.
- Will roll out in late April. Current SNAP recipients will get benefit on EBT card automatically; all children who receive free and reduced price meals or who attend a community eligibility school where entire school is eligible for free or reduced price school meals also qualify. This includes many undocumented children.
- People not receiving SNAP will have to complete short application (not available yet) with DHS and then will receive EBT card with benefits.

WIC

- Provides nutrition and other assistance to low income women and their children
- The WIC offices are open, but not conducting in-person appointments or walk in appointments. The best process for a potential WIC applicant is to find their local office, call them (apply by phone). If a person is already participating in WIC, they can call their local WIC clinic for guidance on receiving their coupons by mailing or curbside pickup.
- Apply by finding your local office using this tool. <https://www.dhs.state.il.us/page.aspx?module=12&officetype=11&county=>
- Automated office locator line: 1-800-323-4769 (voice) 1-866-295-6817 (TTY)
- Anyone who meets other program requirements is eligible for WIC regardless of immigration status.
- Families First Law: \$500 million for the WIC nutrition program

Housing Assistance

Eviction Moratoriums

- There is currently a **statewide** ban that stops eviction orders from being carried out, which currently expires **April 30**.
- County courts may also have their own orders, such as Cook County, which currently prohibits enforcement through **May 18**. This applies to ALL eviction orders.
- This moratorium on executing evictions **does not** prohibit the filing of an eviction case or a landlord issuing a termination notice. Tenants **must continue to pay rent** and remain lease compliant.
- **The federal CARES Act prohibits nonpayment related evictions** and subsidy terminations through **July 25, 2020** if:
 - The property is subsidized through most federal housing programs, including public housing, Housing Choice “Section 8” vouchers, project-based Section 8, and Low- Income Housing Tax Credits; or
 - The property has a federally backed mortgage.
 - **TIP:** While the federal housing programs continue to have immigration restrictions that are unchanged, the moratorium on evictions for rental properties with federally backed mortgages *may* benefit immigrants who live in those private market housing units regardless of immigration status. Again, these protections only **delay** eviction filings

Immigration Requirements for Housing Assistance Programs

- The CARES Act did provide additional support for:
 - Emergency Solutions Grants (ESG),
 - Community Development Block Grant (CDBG), and
 - federal subsidy programs that will be coming to states, local governments, and housing providers.
- **There were no changes to these programs in terms of eligibility for immigrant populations.**
- There are *local* initiatives, such as Chicago's COVID-19 Housing Assistance Grant lottery, that are open to all people regardless of status, but these funds are currently extremely limited.
 - Chicago's COVID relief fund is closed for now but it's possible it will reopen.
<https://www.chicago.gov/city/en/sites/covid-19/home/resources.html?#housing-assistance>
- RE: HUD's mixed status household rule, it's still a proposed rule and has not moved along in the process.

Health Care and Coverage

Changes to Medicaid Applications During the COVID Crisis

- Applications can still be submitted online through ABE or if necessary, by phone, fax, mail. **ABE is always preferable!** <https://abe.illinois.gov/abe/access/>
- Applicants can give *verbal consent* by phone to DHS or to a ***certified*** enrollment assister/Navigator/CAC to sign and submit an application on their behalf if they cannot access a computer.
- All new ACA Adult applications will be evaluated to see if they meet the criteria to be presumptively found eligible (PE)
 - Presumptive Eligibility (PE) criteria = Medicaid-eligible immigration status and income.
 - If the PE criteria is met (***which should be the majority of applications***), the applicant will be given PE Medicaid Coverage.
 - Clients will receive a notice at time of ABE registration that confirms that they qualify for PE
- Application help: ICIRR-administered **Immigrant Family Resource Program** sites have staff to assist with applications: <https://www.icirr.org/ifrp>
 - Greater Chicago Food Depository Benefits Outreach team can help apply for SNAP and Medicaid and make referrals for other public benefits. **GCFD hotline at 773-843-5416** for a free confidential interview.

Medicaid Application Delays During the COVID Crisis

- First, HFS will try to find the applicant presumptively eligible and **we expect that most applicants will get PE.**
- If an applicant is not found to be presumptively eligible and the application has been pending for more than 54 days, the applicant can still request a Temporary Medicaid Card (“T card”). See T Card information on HFS website:
<https://www.dhs.state.il.us/page.aspx?item=116876&newssidebar=30359>
- If an application needs to be expedited because the applicant **has an emergency medical condition** that cannot be treated without Medicaid being approved, requests can still be made to hfs.aca@illinois.gov for expedited approval.

Backlog and Presumptive Eligibility

- For enrollment assisters who have immigrant clients who have had their Medicaid Applications delayed over the past several months and waiting for approval—it is in the "backlog".
- HFS/DHS will go back and assess these cases soon to see if they can be presumptively found eligible and give the immigrant applicant **PE Medicaid Coverage**.
- If the case cannot be found to be presumptively eligible, **the immigrant applicant is still able to request a Temporary Medicaid Card** if their application has been delayed more than **54 days**.
 - Remember: anyone with PE or a T card **is eligible to receive all services that Medicaid covers**.

Changes to Medicaid Managed Care (MCO) Enrollment

- The Client Enrollment Services (CES) is online and can process enrollments and changes.
- Recipients can make MCO choices or changes through CES by phone (1-877-912-8880) (TTY: 1-866-565-8576) or online at enrollhfs.illinois.gov.
- HFS has asked the federal government for permission to **auto-assign** new Medicaid recipients to MCOs without an initial choice period.
 - If assigned, a recipient can still change MCO within a 90-day period.

Terminations and Continuing Eligibility for Medicaid

- The Families First Act mandated that the states **suspend** terminations of Medicaid during the COVID-19 crisis.
- Illinois has ceased all Medicaid terminations (due to redeterminations or any other eligibility reason, e.g. All Kids enrollee turning age 19.)
- This means that no one should be terminated from Medicaid unless they request termination or move away from Illinois.

Terminations and What this means for Immigrant Coverage

- HFS has stated that their intention is for:
 - Pregnant women (on Moms & Babies) will not be terminated at 60 days postpartum even if they do not meet income or immigration requirements for continuing Medicaid.
 - Postpartum women will continue to receive Medicaid coverage until the end of the COVID-19 crisis period.
 - All Kids enrollees when they turn 19 will remain covered on Medicaid regardless of income or immigration status.

Redeterminations for Immigrant Medicaid Enrollees

- Redeterminations are not being processed during the COVID-19 crisis
- HFS has asked the federal government for permission to extend the redetermination period for more than a year.
- **Ex Parte or “Form A” Redetermination** letters will still be mailed telling recipients that they will continue to receive benefits.
- **Form B Redetermination letters** (which require the recipient to submit information and sign and send back) **will not** be sent out during the COVID-19 crisis.
 - Some Form B letters have gone out in the past few weeks so if someone receives one, they can fill it out and send it back but they will not be terminated if they fail to do so.

Premiums for All Kids (the Higher Income Levels) Suspended during COVID crisis

- HFS has suspended payment of **all premiums for any premium level program** including All Kids, Health Benefits for Workers with Disabilities and Veteran's Coverage
 - *(Letters will be going out to clients soon about this)*
- If a recipient owes back premiums, they do not need to pay them back now in order to get current coverage. Illinois states they won't be sending anyone to collections re: premiums.
- Any **pre**-COVID-19 crisis premium balances, if any, will remain and be due after the COVID-19 Crisis period ends.

Manage My Case (MMC) and ID Proofing and Immigration Self-Attestation

- There is **no current change to the MMC ID proofing system**, but HFS continues to explore ways to make it easier for recipients to set up MMC accounts.
 - Recipients can still mail in manual ID proofing forms. The State is making it a priority to approve ID Proofing for MMC.
 - If a manual ID proofing form has been submitted, an MMC account *may* have been approved (and the recipient not yet notified by mail) so recipients should check ABE frequently for MMC approval.
- HFS has asked for federal approval (and is still waiting for a response) for clients to be able to self-attest for immigration status; however, Medicaid clients may now self-attest for income, health status, disability, insurance status and residency.

Illinois Response to Uninsured, Regardless of Immigration Status

- Federal Government created new category to pay 100% for COVID testing for the uninsured
- Governor Pritzker has committed to providing both testing and treatment for **all** of the uninsured.
- HFS is seeking federal approval to cover the costs of providing testing and treatment to **all** of the uninsured and has told providers to test and treat patients regardless of insurance status.
- This includes testing at community health centers, FQHCs, outpatient clinics, and doctors' offices
 - Immigrants can continue to access services at clinics. And community health centers, regardless of their immigration status, and at a reduced cost or free of charge depending on their income.
 - However, call first to find out the availability of COVID-19 screening and testing.
 - Health centers may do patient assessments over the phone or use telehealth.

What benefits are covered in this new Medicaid category?

- Individuals eligible for the new group receive a limited benefit package of services related to testing and diagnosis of COVID-19 that are rendered during the emergency period: “in vitro diagnostic testing (and administration of that testing) described in section and COVID-19 testing-related services furnished during a provider visit related to such testing during the public health emergency period.”
 - This includes: Serological tests for COVID-19 used to detect antibodies against the SARS-CoV-2 virus;
 - This includes evaluation of a beneficiary for purposes of determining the need for such product, such as an Xray.
 - However it DOES NOT INCLUDE: services for the treatment of COVID-19.
- CMS states in their guidance:
 - **“There is no income** or resource test for coverage under the COVID-19 testing eligibility group.
 - Individuals must meet other non-financial eligibility requirements, including being a resident of the state and furnishing a Social Security Number (SSN).”
- “For individuals who meet all eligibility criteria for the COVID-19 testing group, but are not a United States citizen or do not have a satisfactory immigration status, federal financial participation (FFP) is limited to payment for services that are necessary for treatment for an emergency medical condition as defined in section 1903(v)(3) of the Act.”
- States are permitted to accept self-attestation of uninsured status in determining eligibility for this new group.

What benefits are covered in this new Medicaid category?

- Individuals determined eligible for the COVID-19 testing group who subsequently apply and are determined eligible for Medicaid in another group should be transferred into that other group. Individuals who apply for coverage through the regular single, streamlined application and are determined ineligible for other full-benefit eligibility groups should be screened for potential eligibility for Marketplace coverage, CHIP and coverage in the COVID-19 testing group.

What if you dont have primary health provider?

- Anyone without a primary care provider can call IDPH (1-800-889-3931); their local health department (<http://www.idph.state.il.us/LHDMap/HealthRegions.aspx>) or local health center (<https://findahealthcenter.hrsa.gov/>) if they need testing or a referral for treatment.
- [ICIRR's Map of Illinois health clinics](#) available regardless of immigration status (and are low cost or free).
- Illinois Association of Free and Charitable Clinics [Directory](#).
- [Cook County Health clinic options](#) for Cook County residents who do not have a primary care provider.

Emergency Medical for Non-Citizens

- Available to individuals who are otherwise eligible for Medicaid, except for their immigration status: **still need to be < 138%FPL (\$17,236 for an individual)**
- In Illinois, these eligible populations include:
 - Some people with temporary protected status (TPS) who are in their one year waiting period,
 - Deferred Action for Childhood Arrivals (DACA), or
 - People with lawful permanent resident (green card) status who have had that status for less than five years, and
 - Undocumented adults
- Not every immigration status qualifies for Emergency Medical.
 - Persons who are living in the U.S. temporarily and do not intend to remain here may not be eligible for emergency Medicaid because they do not meet the state residency requirements.

Emergency Medical for Non-Citizens: What is covered?

- “a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - (A) placing the patient’s health in serious jeopardy,
 - (B) serious impairment to bodily functions, or
 - (C) serious dysfunction of any bodily organ or part.”
- COVID-19 **testing and treatment** are qualifying medical services for Emergency Medical for Non-Citizens

What if your family member receives a bill from the ER for COVID-19 testing/treatment?

- Unless the treated individual refused to apply for Emergency Medicaid when in the ER, a first step could be to call the billing office:
 - See if an Emergency Medicaid application was submitted and
 - If not, why not, and
 - If the application was denied by the state ask why.
- Regardless of an application for Emergency Medicaid:
 1. Ask the billing office to explain how to apply for the hospital's charity care/financial assistance program (this discount can be up to 100% of all charges over \$300),
 2. To send you an application or direct you to it on the internet,
 3. Not bill you further until you have completed the application and submitted it,
 4. Timely submit it, and then follow up with the billing office after it has been submitted to confirm the status of the bill.
 5. If they deny charity care, then ask for a reason (at least orally but at least ask for it in writing) and follow up with an organization such as **Legal Aid Chicago** or the **Illinois Coalition for Immigrant and Refugee Rights** if you think the denial was wrong.

What the COVID-19 Crisis Means for the Illinois Marketplace?

- Immigrants who are lawfully present may be eligible to buy health insurance in the marketplaces (“lawfully present” [defined here](#)).
- No Special Enrollment Period (SEP) for COVID-19 crisis in the Federal Marketplace
- Current list of SEPs: <https://getcovered.illinois.gov/en/Pages/SpecialEnrollmentPeriods.aspx>
 - PLEASE note – there is a SEP for losing health coverage. There is NOT an SEP for losing a job alone. People can also lose health coverage because became unaffordable or work hours reduced.
- [Get Covered Connector](#) – <https://getcovered.illinois.gov/how-to-get-covered/get-help>
- If you're a marketplace enrollee and your income has decreased:
 - If income falls below 138% FPL become eligible for ACA Adult Medicaid.
 - For people enrolled in marketplace coverage who remain eligible for the subsidies, reporting the lower income could mean getting a higher premium tax credit or cost-sharing reduction.

What the COVID-19 Crisis Means for the Illinois Marketplace? continued

- ACA plans must cover COVID testing without cost-sharing.
- Marketplace place plans must cover the ten essential benefits:
 - Which are likely to pay for physician, laboratory, hospital services people need while being treated for COVID; however specific coverage and cost-sharing will vary by plan.

Public Charge Test and how it is factored into benefits used during COVID crisis

Quick Explainer: What is the Department of Homeland Security (DHS) Public Charge Inadmissibility Rule

- “Public charge” is a Ground of Inadmissibility.
 - Grounds of Inadmissibility = reasons that a person could be denied a green card, visa, or admission into the United States.
- In deciding whether to grant an applicant a green card or a visa, an immigration officer:
 - Reviews information submitted by the applicant, and decides whether that person is likely to become dependent on certain government benefits in the future, which would make them a “public charge” and therefore inadmissible deny the person admission to the U.S. or LPR status (or “green card”).

Quick Explainer: Who is Subject to the Public Charge Test?

1. Applicants for a visa abroad (Department of State rule)
2. Nonimmigrants (visa holders) applying for an extension or change of status within the United States (new policy under the final rule)
3. Applicants for adjustment of status (applying for legal permanent residence (LPR)--also known as a green card--in the United States
4. LPRs who have been absent from the United States for a continuous period > 180 days could be questioned as to their likelihood of becoming a public charge when they seek reentry.



Most affected:

Those living in U.S. who are seeking lawful permanent resident (LPR) status based on a family relationship.

EX: Rosa entered the U.S. on a visa; she meets and marries a U.S. citizen. Rosa then applies for a green card through the family immigration pathway via her U.S. citizen spouse. As part of her LPR application she will be assessed under the DHS public charge inadmissibility test.

Non-citizens who are not subject to the public charge ground of inadmissibility and thus not affected by this rule:

- **Refugee** applicants and refugees who are applying for adjustment of status
- **Asylum** applicants and asylees who are applying for adjustment of status
- Applicants for withholding of removal or relief under the Convention Against Torture
- Applicants for initial or re-registration of Temporary Protected Status (TPS)
- Applicants for initial or **renewal of Deferred Action for Childhood Arrivals (DACA) status**
- Cubans who are applying for adjustment of status under the Cuban Adjustment Act
- Amerasians who are applying for adjustment of status
- Afghan and Iraqi interpreters and translators who are applying for special immigrant visas (SIV)
- Applicants for Special Immigrant Juveniles Status (SIJS)
- Victims of certain crimes who are applying for a U nonimmigrant visa or **U visa holders** applying for adjustment of status
- Victims of trafficking who are applying for a T nonimmigrant visa; **T visa recipients** who are applying for adjustment of status no longer have to seek a waiver of public charge inadmissibility
- Victims of domestic violence who are applying for relief under the Violence Against Women Act (VAWA), including approved self-petitioners who are applying for adjustment of status
- Applicants for “registry” based on their having resided in the United States since before January 1, 1972
- Applicants for benefits under the Nicaraguan Adjustment and Central American Relief Act (NACARA)
- Applicants for benefits under the Haitian Relief and Immigrant Fairness Act (HRIFA)
- Lautenberg parolees who are applying for adjustment of status.

A complete list is set forth at 8 CFR §212.23(a).

For economic and racial justice

Public Charge Test Assesses Totality of Applicant's Life Circumstances:

- The Public Charge Test requires immigration officials will predict the LPR applicant's likelihood of becoming a public charge at any time in the future based on the "totality of the circumstances,"
 - Age
 - Family Status
 - Education & Skills
 - Health
 - Financial Status/Asset and Resources

Public Benefits Assessed in the Rule

- Cash Assistance:
 - Supplemental Security Income (SSI)
 - Temporary Assistance to Needy Families (TANF)
 - State or local general relief or general assistance
- Medicaid (with exceptions):
 - Institutionalization for long-term care
- Supplemental Nutrition and Assistance Program (SNAP or food stamps)
- Certain federal housing programs:
 - Section 8 Housing Choice Voucher Program
 - Section 8 Project-Based Rental Assistance, and
 - Public Housing



Medicaid Programs Excluded from Public Charge Test:

- Medicaid for children up to age 21 (includes the All Kids program, EPSDT)
- Medicaid for pregnant women including for 60 days after the pregnancy ends (Moms & Babies program)
- Emergency Medical for Non-Citizens
- Federal Medicaid for services under the Individuals with Disabilities Education Act
- Federal Medicaid for “school-based benefits or services” for secondary education

How will immigration officials know this information? New I-944 form: Declaration of Self-Sufficiency

- The applicant will be required to submit much of the information required for the public charge test in the new:
 - Form I-944, Declaration of Self-Sufficiency.
 - This includes information to prove up the totality of the circumstances' factors—age, financial status (including application/denial/use of public benefits), assets and resources, family status, health, education and skills.

COVID, Public Charge and the March 14, 2020 USCIS Public Charge Alert

- U.S. Citizenship and Immigration Services (USCIS) issued an alert stating that it will not consider testing, treatment, or preventive care (including the administration of vaccines, if a COVID-19 vaccine becomes available) related to COVID-19 in a “public charge” admissibility assessment, even if the health care services are provided by Medicaid.
 - **As a result of the USCIS alert:** An individual subject to the public charge test and who has received COVID testing/treatment can explain how reduced hours, job loss, and related financial difficulties were caused by the coronavirus and it is not supposed to negatively impact the individual.
 - However, the alert is confusing and it remains to see how helpful it will be in practice.
- Tool for enrollment assisters to answer questions community members may have about possible public charge consequences due to accessing specific public benefits and programs during the COVID-19 crisis:
 - <https://docs.google.com/document/d/12KWIn9q-fya43HQMxzm50u3DeeFd0jVetKMM4eXSog/edit?usp=sharing>

COVID and Public Charge

Service/Program/Benefit	Negative factor in public charge test?	Reported on I-944?
COVID-19 testing or treatments at primary care setting	No	No
Use of <i>Emergency Medical for Non-Citizens Who Do Not Meet Federal Qualifying Medicaid</i> Criteria including testing and treatment for COVID-19	No	Yes
Use of ACA Adult Medicaid (Medicaid for individuals age 19 and over) and AABD Medicaid [if COVID testing and treating—submit statement per USCIS Alert	Yes	Yes
Use of Moms & Babies (Medicaid for pregnant women including 60 days after pregnancy ends), including testing and treatment for COVID-19	No	Yes
Use of Moms & Babies for post-partum women 61 days and longer, including testing and treatment for COVID-19	No if state-funds only	Yes

Service/Program/Benefit	Negative factor in public charge test?	Reported on I-944?
Homeless prevention programs: utility/rental/mortgage assistance	No	No
Emergency and Transitional Housing Program, e.g., shelter, the Chicago Housing Assistance Grant/Lottery	No	No
Supportive Housing Program	No	No
Section 8 housing assistance and federally subsidized housing	Yes	Yes

Service/Program/Benefit	Negative factor in public charge test?	Reported on I-944?
Head Start/ Healthy Start	No	No
Child Care Assistance	No	No
Unemployment Insurance:	No	No
Use of tax credits or rebates, including EITC	No	No
Use of services from public health centers	No	No
Use of SSI, TANF, state/local/federal General Assistance or cash assistance	Yes	Yes
LIHEAP and other energy assistance	No	No
Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, & shelter) provided by local communities or through public or private nonprofit organizations	No	No

Service/Program/Benefit	Negative factor in public charge test?	Reported on I-944?
Use of Medicaid up to age 21 (All Kids), including testing and treatment for COVID-19. [so if 19-year-old stays on Medicaid...]	No and still no	Yes
ACA Coverage from the Get Covered Illinois Marketplace including subsidies	No	Yes
Health services administered in school setting	No	Yes
Use of hospital charity care or a hospital financial assistance program	No	No
Use of Federal SNAP (food stamps)	Yes	Yes
Use of food pantries	No	No
Food/meals provided via schools (school lunch or breakfast programs)	No	No
WIC	No	No

Service/Program/Benefit	Negative factor in public charge test?	Reported on I-944?
<p><i>From new federal bills to assist with COVID-19 crisis:</i> <u>Pandemic Unemployment Compensation (PUC)</u> NOTE: Work authorized immigrants, including seasonal workers and DACA are eligible; undocumented are not eligible.</p>	No	No
<p><i>From new federal bills to assist with COVID-19 crisis:</i> **<u>Direct cash payments</u> NOTE: <u>CBPP</u>: For a household to receive any rebate, each person in the household — including children— must have a Social Security number. (The only exception is for members of armed services, if one spouse has an SSN.)</p>	No	No

Other Policy Changes Relevant to Immigrants

Immigration Enforcement and Health Centers

- Federal guidance (not law) recognizes that certain locations are “sensitive” such that, except in limited circumstances, immigration agents should avoid or limit enforcement actions at such locations.
 - Health centers are considered sensitive locations
- Illinois Alliance for Welcoming Healthcare:
 - Guidance for health centers to take affirmative steps (internal and external facing) to protect immigrant patients:
<https://www.ilalliancehealth.org/policies>
- Community-facing ICIRR Resources on Immigration Enforcement and COVID:
<https://www.icirr.org/community-resources>

REAL ID postponed to October 2021

- The REAL ID Act of 2005 set requirements that state driver's licenses must meet in order for them to be accepted by federal agencies for "official purposes".
- Among those official purposes are boarding federally regulated commercial aircraft.
- On March 26, 2020 Dept. of Homeland Security **extended the deadline for compliance with those requirements** from the previous deadline of October 1 of this year to **October 1, 2021**, in response to COVID-19. This makes sense since states across the country are temporarily closing or restricting access to DMVs



GLOBAL RESOURCES

- **HFS.ACA@illinois.gov** – email to send cases to be expedited for medical urgency
- **State of IL COVID-19 website:** <https://coronavirus.illinois.gov/s/>; Phone and email if you have questions: DPH.SICK@Illinois.gov and 1-800-889-3931
- **HFS COVID-19 Website:** <https://www.illinois.gov/hfs/Pages/coronavirus>
- **DHS COVID-19 Website:** <http://www.dhs.state.il.us/page.aspx?item=123118>
- **Daily Stakeholder emails from Governor's Office:**
Gov.COVID19stakeholder@illinois.gov



HelpHub is an online community where enrollment assisters in Illinois can share their experiences, ask questions and troubleshoot problems they are having helping consumers enroll into affordable, comprehensive health care options. We also answer questions on immigrant eligibility for public benefits and on the intersection of public benefits and public charge.

REGISTER:

<http://helphub.povertylaw.org>

LEGAL COUNCIL
FOR HEALTH JUSTICE

EverThriveIllinois
Champions for Healthy Communities

Shriver
Center on
Poverty
Law



Shriver
Center on
Poverty
Law

 **IPHCA**
Illinois Primary Health Care Association

COVID-19 Resources

- Latino Policy Forum COVID-19 page: <https://www.latinpolicyforum.org/blog/coronavirus-resources>,
- ICIRR has a webpage dedicated to useful tools and resources for immigrant families: <https://www.icirr.org/community-resources>
- Shriver Center has a comprehensive webpage of resources: <https://www.povertylaw.org/article/covid-19-resources-for-individuals-and-families-in-illinois/>
- Legal Aid Chicago link to UI and paid sick leave flyers (Spanish and English): <https://www.legalaidchicago.org/newsroom/in-the-news/covid-19/>
- Heartland Alliance: <https://www.heartlandalliance.org/research-and-policy/covid-19-policy-resources/>
- You can find Illinois Department of Human Services information in response to COVID-19 on the IDHS Coronavirus Website: <http://www.dhs.state.il.us/page.aspx?item=123118>
- The Illinois Department of Public Health has a statewide COVID-19 hotline and website: **call 1-800-889-3931 or visit IDPH.illinois.gov.**
- Cook County, IL: The Department of Public Health has opened a new COVID-19 hotline, with live translation services available in all major languages: **(708) 633-3319**

Health Care and Coverage Resources

- Medication Affordability Assistance: visit: <https://abe.illinois.gov/abe/access/>
- **Get Care Illinois.org:** Community facing, Available in 5 languages, Will help you get healthcare coverage if you need it; If you already have healthcare coverage, this site will help you understand how to use your coverage to go to the doctor: <https://getcareillinois.org/>
- For insurance coverage guidance from the Department of Insurance: <https://insurance.illinois.gov/healthInsurance/COVID-19.html>
- **For Individuals living with AIDS/HIV:** [AFC and the Center on Halsted's HIV Resource Hub](#) began taking requests for emergency help paying rent or utilities related to COVID-19. These one-time payments can temporarily alleviate the financial strain so many are experiencing right now. Learn more here or call **844-HUB-4040** today. The hub can also connect individuals to HIV testing, medications, case management, PrEP, medical care, food, mental health services, substance use treatment and more.

Food and Nutrition Resources:

- Because of COVID-19, the number of open IDHS local offices (Family Community Resource Centers) has been significantly reduced - from 75 to 14. You can find a map with open locations on the DHS website:
<http://www.dhs.state.il.us/page.aspx?item=123570>
- To apply for or renew food, cash and/or medical assistance, please visit **ABE.Illinois.gov**, call the IDHS **Help is Here toll-free line at 1-833-2-FIND-HELP**, or see the list of open DHS offices (link above).
- People in need of food assistance to **Greater Chicago Food Depository website**: <https://www.chicagosfoodbank.org/coronavirus-updates/> Visit: <https://www.chicagosfoodbank.org/find-food/> to locate a pantry

Housing Resources

- Court orders by county: <http://www.illinoiscourts.gov/Administrative/covid-19.asp>
- Eviction timelines: <https://www.legalaidchicago.org/wp-content/uploads/2020/03/COVID-eviction-flyer-final.pdf>; <https://www.legalaidchicago.org/wp-content/uploads/2020/03/COVID-eviction-flyer-SPANISH.pdf>
- Comprehensive Housing Assistance fact sheet: https://www.heartlandalliance.org/wp-content/uploads/2019/03/COVID19_Factsheet_Moratoriums.pdf
- Chicago rental assistance: https://www.chicago.gov/city/en/depts/fss/provdrs/serv/svcs/how_to_find_rentalassistanceinchicago.html
- More information concerning immigration requirements for various programs is available here: <http://nhlp.org/files/2%20Info%20Packet%20Webinar%20Immigrant%20Access%20and%20Housing.pdf>

Public Charge Resources

- Protecting Immigrant Families-Illinois: [Protectingimmigrantfamiliesillinois.org](https://protectingimmigrantfamiliesillinois.org)
- Questions on public charge: pifillinois@povertylaw.org
- Immigrant Family Resource Program: <https://www.icirr.org/ifrp>



Unemployment Benefits/Leave Resources

- Employee workplace rights complaint contact the Attorney General's Office: (844) 740-5076 or submit a complaint **online**.
- Unemployment insurance inquiries call Claimant Services: (800) 244-5631
- Resources for people with disabilities visit: **www.DDD.Illinois.gov**
- Federal Stimulus Package Unemployment Benefits Q&A:
<https://www2.illinois.gov/ides/News%20%20Announcements%20Doc%20Library/Federal-Stimulus-UI-FAQ-March2020.pdf>
- Cash Payment Fact sheet: https://www.heartlandalliance.org/wp-content/uploads/2020/04/COVID19_Factsheet_Cash_Payments_.pdf
- Unemployment fact sheet: https://www.heartlandalliance.org/wp-content/uploads/2019/03/COVID19_factsheet_Unemployment.pdf

IL Alliance for Welcoming Healthcare

- Formed in March 2017, the Illinois Alliance for Welcoming Healthcare brings together over 25 health providers and 20 community organizations around Illinois: <https://www.ilalliancehealth.org/>
- A welcoming provider is one that is committed to:
 - Taking affirmative steps to address the concerns of their immigrant patients about seeking healthcare
 - Developing internal policies and procedures that forward immigrant patient's safety and sense of well-being
 - Continuing to address obstacles and concerns facing immigrants in accessing healthcare during these uncertain times
- Guidance for health centers:
 - <https://www.ilalliancehealth.org/policies>
 - <https://www.nilc.org/issues/immigration-enforcement/healthcare-provider-and-patients-rights-imm-enf/>
 - Guidance on reporting violations of the sensitive locations policy:
www.nilc.org/wpcontent/uploads/2019/01/CRCL-complaint-for-school-sensitive-locations-violations2019.pdf
 - Know-your-rights resource: www.nilc.org/everyone-has-certain-basic-rights/

Utility Assistance: Utility programs continue to have the same immigration restrictions; but the moratorium applies to everyone.

- All Illinois gas, electric distribution, water, and sewer utilities must stop disconnections for nonpayment, and late payment fees or penalties, until May 1, 2020, or until the Governor announces the end of the COVID-19 state of emergency. Additionally, utility companies have to temporarily provide more flexible credit and collections procedures so that people can stay connected when the crisis is over.
- If you are disconnected by any utility before May 1, or approached by an alternative energy salesman, you can file a complaint with the Illinois Attorney General's office by calling one of the numbers below, or by filing a complaint online at <https://ccformsubmission.ilattorneygeneral.net/>
 - Chicago 1-800-386-5438 TTY: 1-800-964-3013
 - Springfield 1-800-243-0618 TTY: 877-844-5461
 - Carbondale 1-800-243-0607 TTY: 877-675-9339
 - Spanish Language Toll-Free Hotline: 1-866-310-8398
- Utility bill assistance: https://www.comed.com/News/Pages/NewsReleases/2018_04_25.aspx
- more information is here: <https://www.legalaidchicago.org/wp-content/uploads/2020/03/Keeping-Utilities-On-During-the-COVID-19-Crisis.pdf>

Resources For Essential Workers Seeking Child Care:

- A dedicated help line has been created so Child Care Resource and Referral Agencies (CCR&Rs) can help connect essential worker families to emergency childcare. **Call toll-free (888) 228-1146.** The helpline will be available from 9:00 AM - 3:00 PM Monday through Friday to answer calls, but callers will be able to leave a message 24 hours a day.
- To find emergency childcare in your area, visit COVID-19 Emergency Provider Search: <https://emergencycare.inccrra.org/>
- During the declared COVID-19 Public Health Emergency, the children of Prioritized Essential Workers are eligible to receive childcare through the IDHS Child Care Assistance Program (CCAP). Prioritized Essential Workers include those working in Health Care, Human Services, essential Government services (e.g. Corrections, law enforcement, fire department), and essential Infrastructure. [The COVID-19 Prioritized Essential Workers Child Care Application](#) includes instructions that clarify who is eligible to receive childcare through this program.
- For residents in Cook County, Illinois Action for Children (IAFC) has launched a temporary text messaging service to answer CCAP questions during IAFC's office closure. Text: 312-736-7390 Monday through Friday between 8:30 AM-5:00 PM. Priority will be given to first responders, health care workers, and essential workers to help them find and pay for childcare.
- [GOECD - Child Care Closures: A Letter to Families](#)
- CDC - [Emergency Responders: Tips for Taking Care of Yourself](#)

Resources for People With Disabilities

- Access Living Comprehensive List of Resources: <https://www.accessliving.org/our-services/covid-19-resources-for-the-disability-community/>
- COVID-19 Resources for People with Disabilities, Families, and Service Providers – from The Arc. Includes latest national guidance, “plain language” materials on COVID-19, and avenues to advocate in Congress to ensure that individuals with disabilities are included in legislation: Link [here](#)
- [A Fact Sheet from the National Health Law Program](#) discusses options that states have under Medicaid to improve access to services for people with disabilities living at home during the COVID-19 crisis. Possibilities include lifting budget and service limitations, adding services, changing provider qualifications, raising provider rates, and more.
- The [federal government issued a reminder](#) that individuals with disabilities must not be denied care during medical emergencies based on the presence of a disability.

Resources on Immigration Enforcement

- ICIRR Resources on Immigration Enforcement and COVID:
<https://www.icirr.org/community-resources>
- On its “Guidance on COVID-19” website, ICE has stated, “Individuals should not avoid seeking medical care because they fear civil immigration enforcement.”
- 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,” per the agency’s previously issued sensitive locations memo and reiterated public statement on March 18, 2020.
<https://www.ice.gov/coronavirus>
- Sensitive locations memo: <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>
- ICE guidance on COVID: <https://www.ice.gov/coronavirus>

Get in touch!

- Protectingimmigrantfamiliesillinois.org
- pifillinois@povertylaw.org

   [shrivercenter](#)
 [povertylaw](#)
[povertylaw.org](#)

Questions?

Please type your questions in the Chat Box

Thank you!