Accessing Benefits During COVID-19

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Accessing Benefits During COVID-19

1) DACA
2) Public Charge
3) Health Care
4) Cash and Food Assistance
5) Unemployment, SDI, PFL
6) Housing
7) CA Disaster Relief Assistance for Immigrants (DRAI)
Consult with a legal service provider for information about applying for DACA for the first time, renewing their existing DACA, and/or getting screened for eligibility for other, more permanent immigration options.

Current DACA recipients continue to be protected from deportation and eligible for benefits under the DACA program, like work authorization.

Eligible DACA recipients can continue to apply to renew their DACA for two more years.

Eligible individuals who never had DACA should be able to apply at this time.

Advance Parole—still unclear.

National Immigration Legal Services Directory https://www.immigrationadvocates.org/nonprofit/legaldirectory/
Have you heard of “public charge?”
Do you feel comfortable explaining it to families?

a) I have never heard of public charge
b) I’ve heard of public charge, but don’t know what it is
c) I know what public charge is, but don’t feel comfortable explaining it
d) I can explain public charge, but want to know more
e) I’m a pro and totally understand public charge
What is Public Charge?

The “public charge test” is used by immigration officials to decide if a person can enter the United States with a visa or obtain legal permanent resident (LPR) (“green card”). The officials examine whether the person is likely to use certain public benefits or be dependent on the government in the future.

If the U.S. government concludes that the applicant is likely to become a public charge, the government can deny their green card or visa application.
What is Public Charge?

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Public Charge

Does NOT apply to:
- Citizens
- Most legal permanent residents
- DACA and TPS when renewing status (but applies when applying for a visa or green card)
- Refugees, asylees, U/T visas, VAWA self petitioners
- MANY OTHERS!

Looks at TOTALITY of an applicant’s circumstances, i.e., age, health, work/education history, financial status, and use of specific public benefits

If you use a public benefit during COVID 19, USCIS announced you can explain your change of circumstances.
### Benefits that Count in New Public Charge Rule

- Cash assistance (federal or state)
  - SSI, TANF, General Assistance
  - CalWORKS, CAPI
- Long term institutionalized care paid for by Medicaid
- Section 8 housing assistance and project-based rental assistance
- Subsidized housing

### Benefits NOT Included in New Public Charge Rule

- Medicaid (federally-funded programs)
  - NOT including:
    - Emergency services
    - School-based benefits to children
    - Use by immigrant children under 21 years of age
    - Use by immigrants during a pregnancy and up to 60 days after
- Food Stamps (federally-funded)
  - SNAP
  - CalFresh

### Most Benefits!

- CHIP, Medicaid for children under 21
- Emergency and school-based Medicaid
- Medicaid for pregnancy and up to 60 days after pregnancy
- State Medicaid (i.e., DACA, under 26)
- Benefits used by family members

- Emergency and disaster relief
- WIC
- Public health services
- School-based nutrition services (i.e., free and reduced meals), Pandemic-EBT
- Public education, Head Start
- Earned benefits, (i.e., unemployment, social security, workers compensation)
- Tax credits
- ANY OTHER federal, state, or local benefit not listed!
Accessing Health Care

If you are enrolled in a health plan, it is important that you and your family get the care you need!

If you are not insured and need medical care, you have other options.

- Testing: Under federal and California law, all health insurance plans are required to cover the entire cost of COVID 19 testing and screening.
  - If you are uninsured or under insured, Medi Cal will cover the cost of testing

- Health Coverage: See if you qualify for Medi-Cal (CA’s public health insurance) or a subsidized plan on Covered CA.
  - Medi Cal re eligibility waived
  - Medi Cal expanded to cover testing, treatment, and care for COVID 19, regardless of immigration status

- Look for a free or low cost public hospital or community health clinic
  - https://findahealthcenter.hrsa.gov/
Health Care and Public Charge Poll

If an undocumented immigrant gets the coronavirus, and they use expanded Medi-Cal to receive care, will it count against them in a public charge analysis?

a) Yes, Medicaid/Medi-Cal is a public charge benefit
b) No, Medi-Cal is not a public charge benefit ever
c) No, Medi-Cal used by immigrants during COVID-19 qualifies as an excepted benefit from public charge
d) I have no idea

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a) Yes, Medicaid/Medi-Cal is a public charge benefit
b) No, Medi-Cal is not a public charge benefit ever
c) No, Medi-Cal used by immigrants during COVID-19 qualifies as an excepted benefit from public charge
   • Emergency Medi-Cal
   • Expanded purely state Medi-Cal
   • USCIS statement
d) I have no idea
The agency will **NOT** consider "...testing, treatment, nor preventative care (including vaccines, if a vaccine becomes available) related to COVID-19 in a public charge determination... even if such treatment is provided or paid for by one or more public benefits."

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**Cash and Food Assistance**

[Image of an apple and a dollar sign]
Cash and Food Assistance

- See if you or your children qualify for:
  - **CalWORKS**, California’s cash assistance program with other services
  - **CalFresh** or **CFAP**, California’s supplemental food and nutrition program, formerly known as “Food Stamps”
  - **CAPI**, California’s monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP solely due to their immigrant status.
  - **WIC**, serves babies and children up to age 5, pregnant women, and new mothers with nutrition education, breastfeeding support, and benefits for healthy foods.

- Unfortunately, most undocumented immigrants, TPS recipients, and DACA recipients generally are not eligible for CalFresh or CalWORKS, but there are exceptions.
- Even if you don’t qualify due to your immigration status, your children may qualify if they are US citizens or have lawful status.

Other Food Assistance

**https://covid19.ca.gov/food-resources/**

- **Pandemic-EBT** [https://ca.pbt.org/en/info](https://ca.pbt.org/en/info)
  - Families with children who are eligible for free or reduced price meals at school can get extra benefits to help buy food when schools are closed due to COVID 19.
  - Families can get up to $365 for each child who is eligible for P-EBT benefits.

- **Food Banks** [http://www.cafoodbanks.org/find_food_bank](http://www.cafoodbanks.org/find_food_bank)

- **CA Meals for Kids App** The app is free and can be downloaded from Apple’s App Store, Google’s Play Store, and Microsoft’s App Store.

- **California COVID-19 Hotline** 833 422 4255 (833 4CA 4ALL)
- **211** free and confidential information and referral service that connects people to local resources.
Food Assistance and Public Charge Poll

If the child of an undocumented immigrant receives Pandemic EBT, will it count against the undocumented parent in a public charge analysis?

- **a)** Yes, Pandemic EBT is a public charge benefit
- **b)** No, Pandemic EBT is not a public charge benefit ever
- **c)** No, because benefits used by family members (and not the applicant) do not count against the applicant
- **d)** B and C

**Still refer for legal consultation**

**Disaster relief**
- Not listed in the public charge rule
- Benefits used by family members don’t count
Unemployment Insurance

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Duration</th>
<th>Pay</th>
<th>Immigration Status</th>
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<tbody>
<tr>
<td>If you have reduced work hours or lost employment due to COVID 19.</td>
<td>39 weeks (26 weeks regular + 13 weeks under PUA)</td>
<td>$40 to $450 per week (based on your previous income) + $600 per week under PUA</td>
<td>Need work authorization</td>
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California’s Employment Development Department (EDD):
https://edd.ca.gov/about_edd/coronavirus-2019.htm

Paid Leave Benefits

Paid Sick Leave (PSL)
- Emergency PSL (2 weeks, paid)
- CA PSL for Food Sector Workers (2 weeks, paid)
- CA PSL laws (sick days)

Paid Family Leave (PFL)
- Emergency PFL (2 weeks unpaid, 10 weeks paid)
  - Caring for a child whose school/day care is closed
- CA PFL (6 weeks, 2/3 pay)
  - Caring for sick family member

Other Benefits
- CA State Disability (52 weeks, 2/3 pay)
- CA Workers’ Compensation (up to 104 weeks, 2/3 pay)
Workers’ Benefits and Public Charge

Unemployment, CA’s State Disability Insurance (SDI), Paid Family and Sick Leaves, and Workers’ Compensation are \textbf{NOT} listed benefits in the public charge rule.

\textbf{USCIS Statement:}

\begin{quote}
[Will] not consider federal and state retirement, Social Security Retirement benefits, Social Security Disability, postsecondary education, or unemployment benefits as public benefits under the public charge inadmissibility determination as these are considered to be earned benefits through the person’s employment and specific tax deductions.
\end{quote}

Housing

- \textbf{Court evictions, with limited exceptions, are delayed!} From April 6 until 90 days after the Governor ends the COVID 19 state of emergency:
  - No court summons will be issued if a landlord files a complaint in court against you, the court process will not start.
  - No default judgments against tenants who fail to file a response to the landlord’s court complaint.
  - Only evictions “necessary to protect public health and safety” can move forward.

- \textbf{PAY RENT IF YOU CAN} Protections provide only a delay and do not forgive rent.

CRLA Inc. COVID-19 Tenant Protections: \url{https://drive.google.com/file/d/1uhVWPyew3VZML64ThT_Ee6F7jkR_k/view}

CA Disaster Relief Assistance for Immigrants (DRAI)

- For adult undocumented immigrants impacted by COVID-19, not eligible to receive funds from:
  - CARES Act federal stimulus payments or
  - Pandemic unemployment benefits
- $500 in direct assistance, $1,000 max per household
- Program ended June 30, 2020
- Likely NOT a public charge benefit (no guidance from USCIS, but immigration experts agree that it is likely not a public charge benefit)

https://www.cdss.ca.gov/inforesources/immigration/covid-19-drai

CRLAF Resources

COVID-19 Guide for Immigrants

https://www.crlaf.org/coronavirus

Public Charge Explainer Video (Spanish)

https://youtu.be/fJZFuTPkOw8
Other Resources

- California’s Immigrant Guide During COVID-19
  [https://covid19.ca.gov/guide-immigrant-ca/]
- US Department of Labor Infosheets
  [https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave]
- National Immigration Law Center
- CLASP Infosheet
- Protecting Immigrant Families (PIF) Campaign
  [https://protectingimmigrantfamilies.org/]
- Public Charge Factsheet by the Immigrant Legal Resource Center
  [https://www.ilrc.org/sites/default/files/resources/2020.02_public_charge_factsheet.pdf]

Thank You!

For immigration questions or free consultations:

(916) 446-7901

https://www.crlaf.org/