



Accessing Benefits During COVID-19

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CRLA Foundation

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)

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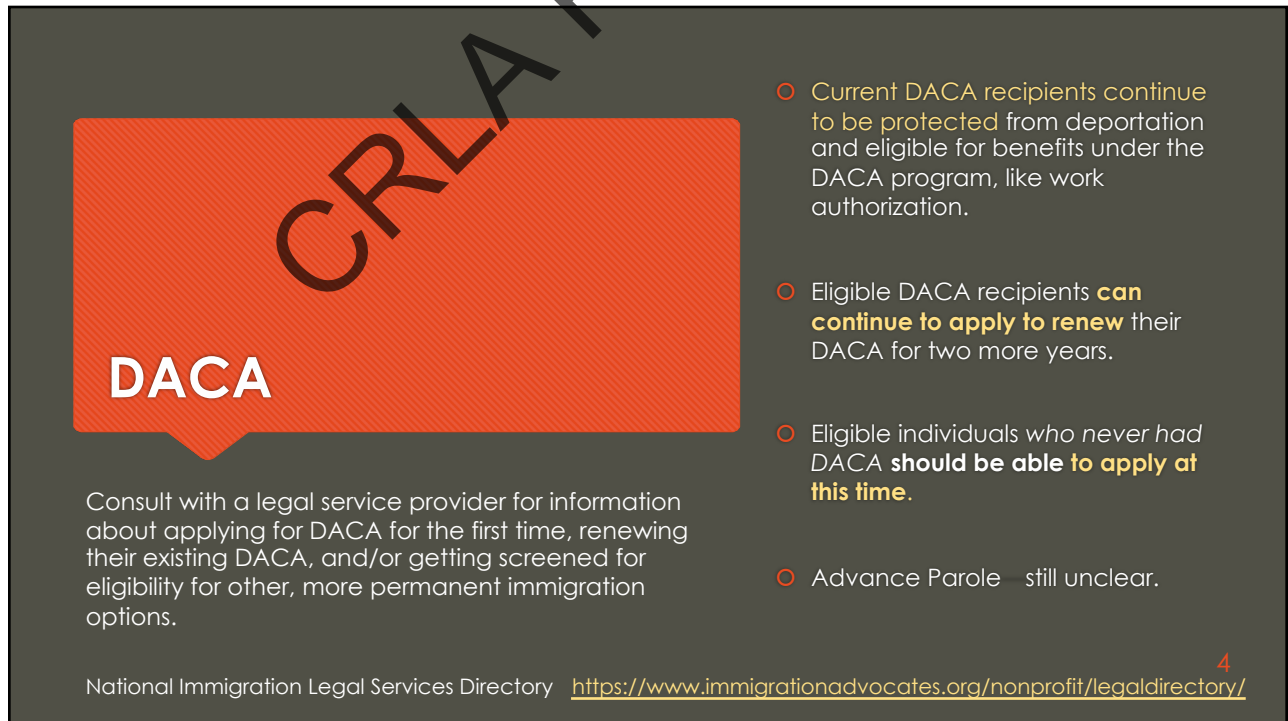


DACA



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DACA

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/>

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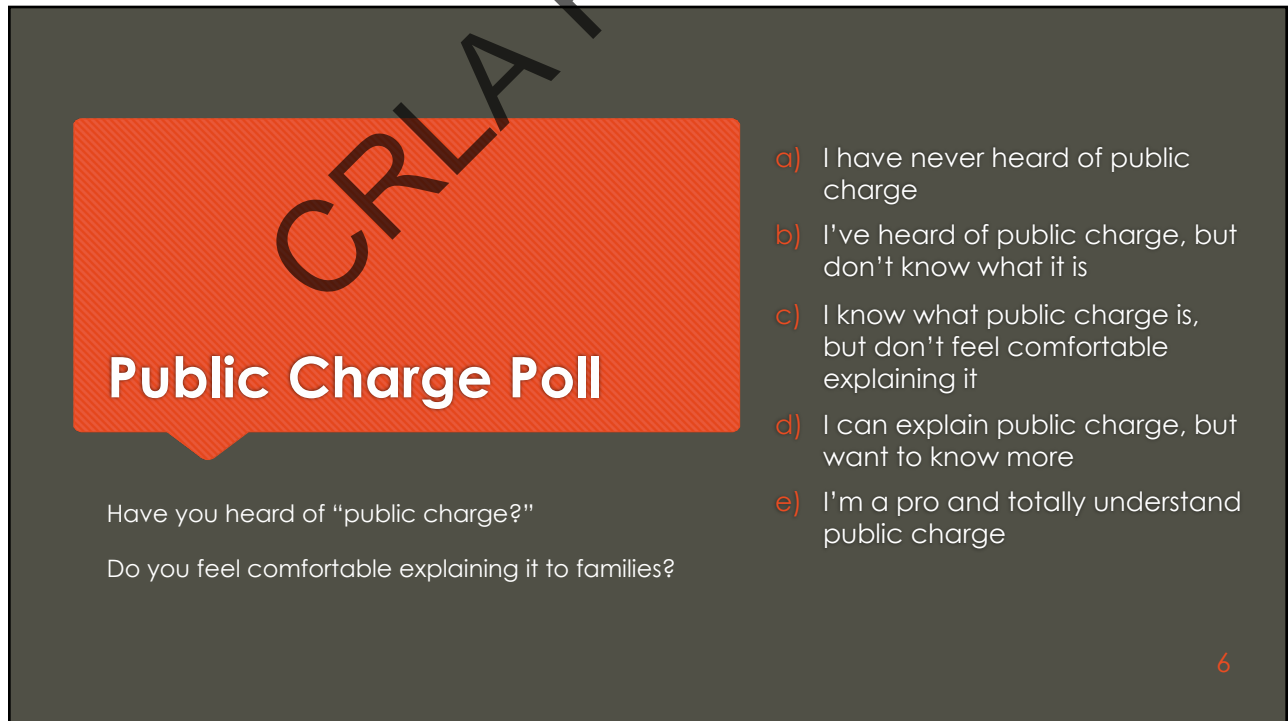


Public Charge



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Public Charge Poll

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

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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.**



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Public Charge

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

- 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!
- If you use a public benefit during COVID 19, USCIS announced you can explain your change of circumstances

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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
- 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

White = old
Yellow = new

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Benefits NOT Included in New Public Charge Rule

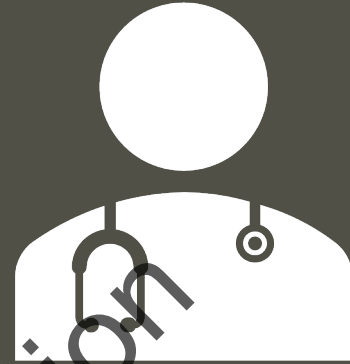
Most Benefits!

- 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!**

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Accessing Health Care



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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/>

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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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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**
 - **Emergency Medi-Cal**
 - **Expanded purely state Medi-Cal**
 - **USCIS statement**
- d) I have no idea

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Health Care and Public Charge

USCIS March 13, 2020 Announcement

https://www.uscis.gov/greencard/pub_c_charge

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



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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.



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Other Food Assistance

<https://covid19.ca.gov/food-resources/>

- **Pandemic-EBT** <https://ca.p.ebt.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>
- **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.



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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

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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?

****Still refer for legal consultation****

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

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Unemployment Insurance

Eligibility	Duration	Pay	Immigration Status
If you have reduced work hours or lost employment due to COVID 19.	39 weeks (26 weeks regular + 13 weeks under PUA)	\$40 to \$450 per week (based on your previous income) + \$600 per week under PUA	Need work authorization

California's Employment Development Department (EDD):
https://edd.ca.gov/about_edd/coronavirus-2019.htm

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Paid Leave Benefits



Paid Sick Leave (PSL)

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

Paid Family Leave (PFL)

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

Other Benefits

- o CA State Disability (52 weeks, 2/3 pay)
- o CA Workers' Compensation (up to 104 weeks, 2/3 pay)

Citizenship and immigration status do not affect eligibility.

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Workers' Benefits and Public Charge

Unemployment, CA's State Disability Insurance (SDI), Paid Family and Sick Leaves, and Workers' Compensation are **NOT** listed benefits in the public charge rule

USCIS Statement:

“ [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.** ”

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Housing

- **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.
- Watch for when the Governor ends the emergency. Seek advice to be ready to act.
- **PAY RENT IF YOU CAN** Protections provide only a delay and do not forgive rent.

CRLA Inc. COVID-19 Tenant Protections https://drive.google.com/file/d/1uhVWPYew3VtZML6r4ThT_Ee6F7jikR_k/view
 Eviction Moratorium CA Executive Order
<https://www.gov.ca.gov/2020/03/27/governor-newsom-takes-executive-action-to-establish-a-statewide-moratorium-on-evictions/>

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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>

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CRLAF Resources

COVID-19 Guide for Immigrants

CORONAVIRUS (COVID-19) PANDEMIC:
Information and Resources for Immigrant and Farm Worker Communities

April 2020
COVID-19 Recursos e Información

April 2020
COVID-19 Resources and Information

February 2020
COVID-19 Rapid Response

<https://www.crlaf.org/coronavirus>

Public Charge Explainer Video (Spanish)

CRLA Foundation

HOME VIDEOS PLAYLISTS CHANNELS DISCUSSION ABOUT

Uploads ▶ PLAY ALL

Carga Pública: ¿Qué es y se aplica a mí? 15:36 79 views · 2 weeks ago	Carga pública parte II: ¿Cómo funciona la prueba de carga pública? 10:12 6 views · 2 weeks ago	Carga pública parte II: ¿A quién se aplica la prueba de carga pública? 2:40 11 views · 2 weeks ago	Carga Pública: ¿Qué es y se aplica a mí? 3:22 20 views · 2 weeks ago
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<https://youtu.be/fJZFuTPkOw8>

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Other Resources

- CA's Immigrant Guide During COVID 19
 - <https://covid19.ca.gov/guide-immigrant-californians/>
- US Department of Labor Infosheets
 - <https://www.dol.gov/agencies/whd/pandemic/ffcrs-employee-paid-leave>
- National Immigration Law Center
 - <https://www.nilc.org/wp-content/uploads/2020/04/COVID19-relief-bills-understanding-key-provisions.pdf>
- CLASP Infosheet
 - <https://www.clasp.org/publications/fact-sheet/paid-sick-days-and-paid-leave-provisions-ffcrs-and-cares-act>
- 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



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CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION
Advocates for Justice

Thank You!

For immigration questions or free consultations:

(916) 446-7901

<https://www.crlaf.org/>

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