



COVID-19 AND IMMIGRATION



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CURRENT STATUS OF
GOVERNMENT AGENCIES



IMMIGRATION COURTS AND THE BOARD OF IMMIGRATION APPEALS (EOIR)

- All hearings for **NON-detained** individuals at the **Arlington and Baltimore** Immigration Courts are postponed through July 3
 - New hearings will be automatically rescheduled
 - Some other courts in other parts of the country are already open for non-detained hearings, or will open by the end of June
- Hearings for **detained** individuals in ALL immigration courts are continuing as scheduled
- Updated information available at <https://www.justice.gov/eoir/eoir-operational-status-during-coronavirus-pandemic> or https://twitter.com/DOJ_EOIR

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

- In-person services at USCIS Field Offices (including interviews and naturalization oath ceremonies) **resumed on June 4** (had previously been suspended since March 18)
 - Appointments that were canceled while in-person services were suspended will be automatically rescheduled
 - Updated cleaning and social distancing policies in all USCIS field offices – reduced number of appointments, no entry if showing COVID-19 symptoms or have been in close contact with someone known or suspected to have COVID-19, masks are required, no extra guests at appointments/ceremonies, interpreters and legal representatives can appear by telephone instead of in person
 - Some other services still available in emergency situations – contact USCIS
 - Biometrics (fingerprints) appointments are still being canceled, likely through some time in July (varies by office) – USCIS will reuse previously captured biometrics if possible (for example, work permit or DACA renewals), or automatically reschedule canceled appointments once local offices reopen
- USCIS has relaxed some deadlines for certain requests for additional evidence or applications to appeal/reopen a decision
- Updated information available at <https://www.uscis.gov/about-us/uscis-response-covid-19>

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

- Social visitation of detainees at immigration **detention centers** has been temporarily suspended; non-contact legal visitation continues
- Individuals who have **regular check-in appointments with ICE** should contact their local office for instructions on what they should do
- ICE is only accepting **bond payments** at certain offices and during certain hours
- ICE is focusing its **enforcement efforts** on public-safety risks and individuals subject to mandatory detention based on criminal grounds; it is continuing its prior policy of not carrying out enforcement operations in “sensitive locations” such as hospitals or medical centers except in the most extraordinary circumstances
- Updated information available at <https://www.ice.gov/coronavirus>

DEPARTMENT OF STATE (FOREIGN CONSULATES AND NATIONAL VISA CENTER)

- Routine **visa** services at foreign consulates and embassies have been **suspended** in the majority of countries
 - Some emergency services may still be available
 - Current status can be verified on websites of individual consulates or embassies
- **Presidential Proclamation** – The entry of certain immigrants into the U.S. has been suspended for 60 days (until June 22, 2020):
 - Applies to foreigners **outside the U.S.** who did not have a valid immigrant visa or travel document (advance parole, transportation letter) before 11:59 PM on April 23, 2020
 - **Does NOT apply** to: permanent residents; applicants for immigrant visas who are spouses or children under age 21 of U.S. citizens; members of the U.S. Armed Forces and their families; and certain other specified categories
 - The proclamation does NOT have anything to do with people applying for residence from within the U.S. (adjustment of status), nonimmigrant visa applicants; or people applying for asylum or refugee status

INTERACTION BETWEEN
**THE FINANCIAL EFFECTS OF
COVID-19
AND IMMIGRATION LAW**



REMEMBER!

Many people are **NOT** subject to the “public charge” test!!

- Refugees and asylees
- People with U visas, T visas, VAWA (protection under the Violence Against Women Act), or SIJS (classification as a Special Immigrant Juvenile)
- DACA or TPS applicants
- Majority of Lawful Permanent Residents (green card holders)
- U.S. citizens

The public charge test only applies to people applying for permanent residence (green card) through a family member, or a visa to enter the U.S.



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RELATIONSHIP BETWEEN PUBLIC CHARGE AND COVID-19

- Receiving **unemployment insurance** does NOT affect a public charge inadmissibility determination because USCIS never considers unemployment insurance to be a “public benefit”
 - Generally, it is necessary to have a **work permit** to qualify for unemployment insurance
- Accepting the **\$1,200 cash stimulus** check does NOT affect a public charge inadmissibility determination because it is a tax credit, not a “public benefit”
 - Generally in order to qualify to receive this money, individual filers AND their declared dependents need valid Social Security Numbers (not only an ITIN)
 - Reminder: If you earned less than \$12,200 (\$24,400 if married) in 2019, are not required to file a tax return, and don’t plan on doing so, you need to complete an IRS “Non-Filer” form in order to receive your stimulus check
 - more information available at <https://www.eitcoutreach.org/tax-filing/coronavirus/coronavirus-stimulus-checks/>
- More information from the Protecting Immigrant Families (PIF) Campaign is available at <https://protectingimmigrantfamilies.org/immigrant-eligibility-for-public-programs-during-covid-19/>

RELATIONSHIP BETWEEN PUBLIC CHARGE AND COVID-19 (CONTINUED)

- During the pandemic, USCIS has announced that it “will neither consider **testing, treatment, nor preventative care** (including vaccines, if a vaccine becomes available) related to COVID-19 as part of a public charge inadmissibility determination”
 - This includes “if such treatment is provided or paid for by one or more public benefits, as defined in the rule (e.g. federally funded Medicaid)”
- It is possible that **a period of unemployment** caused by COVID-19 may affect a public charge inadmissibility determination
 - But USCIS has indicated that applicants affected in this way can include with their applications additional evidence to explain that their situation was caused by COVID-19, and USCIS “will take all such evidence into consideration in the totality of the [applicant’s] circumstances”
- More information from USCIS is available at <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge>

WHAT SHOULD I DO IF
I HAVE QUESTIONS?



- If you or someone you know has questions about your specific situation, about whether you qualify for an immigration benefit or status, or need immigration legal assistance, you can always contact **Hogar Immigrant Services – Legal**, a program of Catholic Charities of the Diocese of Arlington
- We are scheduling **remote legal consultations**, by telephone or videoconference, during the pandemic
- **(703) 534-9805** or hogar@ccda.net for more information



THANK YOU!

