

KNOW YOUR RIGHTS DURING THE CORONAVIRUS PANDEMIC



Welcome the stranger.
Protect the refugee.

The spread of Coronavirus, or COVID-19, has changed daily life for millions of people across the United States. This guide, created by HIAS, offers information to refugees, asylum seekers, asylees and other immigrants about the rights you have during this uncertain time. If you have any questions about the content of this guide, or if you are looking for resources in your area, please contact your case manager or local legal support agency. You may also review the links provided at the bottom of this document for more information.

This guide is not intended as legal advice. Please keep in mind that this information will likely change over the coming weeks. This guide was last updated on April 14, 2020.

Housing

Can I be evicted from my home if I cannot pay rent?

Maybe. It depends on where you live. Some states and cities have made it illegal for a landlord to evict you during the COVID-19 pandemic, or for a certain period of time, even if you cannot pay your rent.¹ The CARES Act puts a 120-day moratorium in place on some evictions nationally for tenants in properties that are part of government programs or that have a federally-backed mortgage loan. Check online, or with your case manager or local legal support agency, to get the most updated information for your area. You might need to prove that the loss of income is due to COVID-19. If you are being evicted, you may wish to contact Legal Aid in your area. Visit <https://www.lsc.gov/what-legal-aid/find-legal-aid> for more information. However, please note that when this crisis has ended, you may need to pay rent for the months you missed and/or late fees.

Employment

Can I take time off if I'm sick? What if I need to care for someone who is sick, or care for my children who are staying at home?

Maybe. Federal, state, and local laws may allow you to take paid leave. A new federal sick leave law allows employees at businesses with fewer than 500 workers to take 10 days (or 80 hours) of paid sick leave at your regular rate of pay if you have COVID-19 symptoms, are quarantined, or are looking for a medical diagnosis. Also, you can take up to two weeks (or 80 hours) of paid sick leave at 66% of your regular pay if you need to care for someone who is sick or to care for a child whose school or childcare provider is closed. You can take an additional 10 weeks of paid family and medical leave at 66% your regular rate of pay to care for children who are out of school or daycare. You must have been employed for 30 days to receive these benefits. These new benefits supplement, not replace, the benefits you already have until December 31, 2020. Note, however, that businesses with fewer than 50 employees may seek to deny leave for school and childcare closures if doing so would jeopardize the business.

¹ As of the date of publication of this document, Arizona, California, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Washington, the District of Columbia and Wisconsin all have state-wide orders disallowing evictions. Many cities in these states and others have also enacted similar laws.

Many states and cities also have sick leave laws that enable employees to take leave if they are sick or in the case of a public health crisis. Check your state and local jurisdiction here: <https://www.abetterbalance.org/covid19/>

Can I get fired if I get sick or get diagnosed with COVID-19?

According to the Family and Medical Leave Act, an employer cannot fire you if you are sick. This protection is only available to certain employees, however, notably those who have worked at least a year for a given employer. For more information, please speak with an employment law attorney.

What is unemployment insurance? Am I eligible to receive unemployment benefits?

Unemployment insurance is a cash benefit paid to certain workers who have lost their job through no fault of their own, and are generally available and able to work. Each state provides unemployment insurance in a slightly different way. Additionally, the federal CARES Act (the stimulus) has greatly expanded access to unemployment insurance by reducing or eliminating many of the traditional requirements workers had to meet. See these fact sheets and frequently asked questions for more information: <https://www.nelp.org/campaign/covid-19-unemployed-and-frontline-workers/>.

To apply for unemployment benefits, find your state on this site: <https://www.dol.gov/coronavirus/unemployment-insurance#find-state-unemployment-insurance-contacts>. To be eligible to receive unemployment insurance, you must have had valid work authorization during the period you were working, and you must have valid authorization for the period during which you are receiving the benefits. This means undocumented workers are not able to receive unemployment benefits. You may wish to review your state's guidelines to ensure your eligibility. Accepting unemployment benefits **will not** make someone subject to the "public charge" rule.

Do I need to prove that I'm looking for a job while receiving unemployment benefits during the pandemic?

Under normal circumstances, you might need to prove that you're looking for a job to receive certain public benefits. However, during the coronavirus pandemic, you do not need to prove "work activity" in order to access unemployment benefits. Some states still require you file weekly certifications while receiving unemployment benefits. Please be advised that this policy will likely change once the pandemic subsides.

What if I'm denied unemployment benefits?

You have 10 days to appeal the agency's decision and must do so in writing. You also might be able to access Pandemic Unemployment Assistance (PUA) instead, a special benefit for certain workers not traditionally covered by unemployment insurance. For more information, contact your state unemployment insurance office: <https://www.dol.gov/coronavirus/unemployment-insurance#find-state-unemployment-insurance-contacts>.

Can I be fired or discriminated against if I ask my employer questions about health and safety?

No. It is illegal for your boss to retaliate against you if you report a safety hazard. Also, they cannot transfer you, deny you a raise, cut your hours, or fire you due to your health. You have more legal protection if you are able to file a safety-related complaint with other workers.

Healthcare

Can I sign up for Medicaid health insurance during the COVID-19 pandemic?

You may be able to sign up for low-cost health care, especially if your employment situation or income just changed. However, the process is different in each state. If you visit localhelp.healthcare.gov/#/, you can enter your ZIP code and then choose “Medicaid or CHIP” to see a list of people in your area who can help you sign up. You can also talk to your primary care physician if you have one.

Can I still get access to an interpreter when I call my doctor, the police, or other emergency services?

Yes. You still have the right to interpretation, just like before the pandemic. This means that if you access a publicly funded service, such as a medical provider or the police, you are entitled to receive interpretation and should ask for an interpreter in your preferred language. You may experience unusually long wait times given the increased need for services.

If I go to the hospital to get tested or treated for COVID-19, will that affect my immigration status under the “public charge” rule?

No. You might be concerned about the “public charge” rule, a recent policy change that gives the government the ability to deny certain immigrants permanent residency (a green card) if they have received certain public benefits. This rule generally does not apply to refugees and asylees, because refugees and asylees are protected groups of immigrants under the law. The government has also announced that COVID-19 related “treatment or preventive services will not negatively affect any alien as part of a future Public Charge analysis.” This means that being tested for, or receiving treatment for COVID-19, will not be considered in a public charge assessment, even if Medicaid or another government program pays for the services.

Can I get tested for COVID-19 if I don’t have health insurance? Is it expensive?

The government passed new laws in March to help pay for Coronavirus testing. These laws will enable you to get tested for the virus for free even if you do not have health insurance. If you are undocumented, your ability to access free testing depends on the state in which you live and the clinics in your area. The U.S. currently has a shortage of COVID-19 tests, so they are not currently available to everyone who requests one. Even if testing might be free for you, please remember that *treatment* for COVID-19 is not free, and might be very expensive if you don’t have insurance. If you have symptoms of coronavirus, such as a high fever and dry cough, use the Center for Disease Control’s Self-Checker to see if they recommend seeking medical care at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/index.html>. If so, you should call your primary care doctor. Be sure to call 911 if you are experiencing emergency symptoms such as difficulty breathing or chest pain.

I feel lonely or anxious. What might be able to help?

Staying isolated can be difficult for long periods of time. The uncertainty of the current situation can be stressful, nerve-wracking, and overwhelming. If you feel very lonely or anxious, please reach out over the phone to a friend, neighbor, relative, or your case manager. Some other strategies to cope with stress or anxiety during this time are taking breaks from listening to news stories and seeing updates on social media, trying to find time to do activities you enjoy, eating healthy meals, and taking a walk if you feel safe to do so (while staying 6 feet or 2 meters away from other people).

The following might also be helpful:

- Free, online meditations (in English): <https://www.headspace.com/covid-19>
- Resources from the CDC, the part of the government that helps respond to diseases: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>
- Someone to talk to if you are in a crisis (in English): Call 1-800-985-5990, or text TalkWithUs to 66746

Safety

Can I still report being the victim of a crime? What if I am undocumented?

Yes, you should still report being the victim of a crime. If you speak another language and require an interpreter to communicate, you should request an interpreter. The police officer is required to provide sufficient interpretation. ICE Enforcement and Removal Operations (ERO) will focus enforcement on those persons with criminal records and will exercise discretion to delay enforcement actions until after the crisis or use alternatives to detention, as appropriate. This means that even if you are undocumented, you should still feel safe to call the police if you have been the victim of a crime. Certain crime victims might also be eligible for immigration benefits, so after cooperating with the police, you should also contact an immigration attorney.

Can I still report cases of domestic violence or child abuse?

Yes, absolutely. Even though your city or state might have encouraged everyone to stay at home, all family members are still entitled to a safe and protected home environment. You should call the police to report cases of abuse or violence. Depending on the state you live in, you might also be able to file a Temporary Restraining Order, as many courts have still deemed that an essential function. Please call your local courthouse before attempting to go there.

If you are looking for support and information, you may also wish to call the National Domestic Violence Hotline at 1-800-799-7233. Calls are free and confidential, and the hotline's advocates speak more than 200 languages. For more information, visit their website: www.thehotline.org.

What should I do if I am the victim of a hate crime?

There have been an increasing number of hate crimes against Asian people in the United States. If you are the victim of a hate crime, you should contact your local police department to report it. Victims of hate crimes could be eligible for immigration benefits and should contact an immigration attorney, after cooperating with the police.

Do I have to provide my personal information over the phone if someone asks for it?

No, you should never provide personal or private information over the phone or online, such as your social security number or bank information. There has been an increase in phone and internet scams during the COVID-19 pandemic. These scams involve people trying to trick you to steal your money, advertising fake cures or treatments for COVID-19, promising help to access the economic stimulus payments, or trying to trick you with promises of fake items during the pandemic (such as cell phones). These are scams and often illegal. Legitimate providers will never ask for your social security number or bank information. Do not feel pressured to provide any information about yourself, even your address or date of birth, unless you can guarantee it's someone you trust. A government agency will never call you to ask you for your personal information or threaten to withhold your benefits.

If my state or city has told residents to “shelter in place” or created a “stay at home” order, can I get arrested for going outside?

Maybe. Some locations are arresting people for violating “stay at home” orders. Right now, there is no national order that applies to the entire country; each state and/or city develops its own rules. Therefore, it really depends on the situation locally and the details of the order. For example, some states or cities have banned public gatherings of more than 10 people. Some states or cities have banned people from leaving their home unless it is for a list of “essential activities,” such as purchasing food or working an essential job. You must check the restrictions imposed by your specific city or state. See this article for more information:

<https://www.cnn.com/2020/03/23/us/coronavirus-which-states-stay-at-home-order-trnd/index.html>

Immigration

Are Immigration (USCIS) offices open right now?

USCIS (U.S. Citizenship and Immigration Services) has suspended in-person services at all offices across the country. They are currently planning to reopen their offices on May 4, but this date may be pushed back further depending on the circumstances. USCIS will send interview cancellation notices and automatically reschedule all applicants when they resume normal operations.

What is happening to the application I’ve already submitted? What if I am seeking asylum?

The USCIS service centers are still operational, so applications that have been sent to service centers, that do not require interviews, such as work permit applications and family reunification petitions, are still being adjudicated. If you have an employment authorization document or a green card close to expiring, you can still file to renew those applications. If your application requires an interview (family reunification at a foreign embassy/consulate or green card application), then your interview will be scheduled (or rescheduled) once these offices reopen. If you are in the United States to seek asylum, you must still apply for asylum within the first year of your arrival. There is no exception to this deadline during this time.

Do I need to attend my hearing in immigration court?

All immigration court hearings for persons not in detention have been postponed until May 1, 2020. It is possible that the immigration courts will extend this deadline. If you have a hearing scheduled before then, it will get rescheduled. During the court closures due to Coronavirus, the court’s automated number 1-800-898-7180 might not be updated to reflect your new court date, but you should call to be certain. You should receive a new hearing notice in the mail. You can visit the court’s website at <https://www.justice.gov/eoir/eoir-operational-status-during-coronavirus-pandemic> to see if your immigration court is open or closed closer to your scheduled hearing date.

How can I receive an I-94?

If you received asylum from an immigration court, it is possible you did not receive an I-94 form. It is important to get an I-94 in order to apply for certain benefits. If you received asylum recently and do not have an I-94, you may wish to call the USCIS Contact Center at 1-800-375-5283. If you decide to call, the I-94 information on the <https://asyleeoutreach.org/common-questions/> page of AsyleeOutreach.org may be helpful.

I have an ICE check-in scheduled. What should I do?

It depends on where you live; different ICE offices are using different procedures. We suggest you speak to your attorney or that you contact your local office to see if the check-in will be done over the phone or will be postponed.

Economic Impact Payments/Stimulus

Will I receive a check as a result of the stimulus?

The government included a provision in the CARES Act that provides one-time stimulus payments of up to \$1,200 to eligible individuals, and up to \$2,400 to eligible married couples. Families with dependents under the age of sixteen are also eligible to receive \$500 per child. If you have questions about your eligibility, you should speak with a tax attorney or tax preparer.

Does the economic impact payment count as income for SNAP, TANF, or SSI benefits?

No, the stimulus payment does not count as income for 12 months, and it's not taxable. The stimulus payment is separate, and it won't appear on your benefits card.

Travel Loans

Am I allowed to temporarily stop paying my IOM loan if I lose my income?

The International Organization for Migration (IOM) provides refugees with a travel loan to cover the cost of their transportation to the U.S. Because of the outbreak of COVID-19 and the economic hardship so many people are facing, IOM is offering some flexibility to refugees in repaying these loans. If you are unable to pay your loan, please contact the agency that is managing your loan to explain your situation. They may be able to help you. If you are a refugee and resettled by HIAS, you can contact us at 1-888-606-0565 or travelloans@hias.org.

More Information

We hope you found this guide helpful. If you have any questions on the information this guide contains, or if you are looking for resources in your area, please contact your case manager or local legal support agency. You may also review the sources below:

- This bilingual (English/Spanish) resource guide for undocumented immigrants from Immigrants Rising: <https://tinyurl.com/t3vclo6>
- This bilingual (English/Spanish) resource guide for undocumented immigrants from UndocuScholars: <https://tinyurl.com/ss7munk>
- For general information, visit www.cdc.gov/COVID19
- For information on COVID-19 organized by language, see here: <https://tinyurl.com/uzhmuqf>