

CORONAVIRUS:

Benefits Information for People without Immigration Status

Last Updated: December 10, 2020

*****Since New Resources of Relief Periodically Arise or End, Please Visit the CLS Website at www.columbialegal.org/coronavirus-benefits-information-for-people-without-immigration-status/ for the Most Current Information*****

You don't have a Social Security Number. You don't have health care. You have to take time off work or you are laid off because of the coronavirus. You can't get unemployment benefits. What benefits can you or your family get? Worried that if you or your family get benefits it will keep you from passing the Public Charge test if you apply for a green card? **Here are the facts.**

HEALTH CARE

If you are low-income, the state government will pay:

- a clinic or hospital to test you for the coronavirus, and
- if you need treatment, pay for your treatment.

You have to ask the state for this help. Ask the clinic or hospital to help you apply. The name of the program that can help is Alien Emergency Medical or AEM. You do not have to wait to see if you are eligible for AEM to get tested or treated for the coronavirus. AEM can also pay for other kinds of emergency medical treatment you get in the hospital.

Does getting AEM affect my ability to get permanent residency (“green card”) under the new Public Charge test?

No. Getting AEM help to get tested and treated for the coronavirus and getting other kinds of emergency hospital care will not count for the Public Charge test.

What is Charity Care? Every Washington hospital has to provide free care for low-income people who:

- don't have insurance, or
- whose insurance doesn't cover all the hospital bills.

Free or reduced cost care is called Charity Care. Even if you have more money, some hospitals will reduce the cost of medical care for people who are not able to pay for their care.

The hospital will ask you to apply for AEM. You can apply for both AEM and Charity Care at the same time. Ask the hospital to give you a Charity Care application.

You do NOT need a Social Security Number to get AEM or Charity Care. You do NOT need to put a Social Security Number on the application for AEM or Charity Care.

Does getting charity care affect my ability to get a green card under the Public Charge test?

Charity Care does not count for the Public Charge test. This is true for all hospital care paid for by Charity Care. And, Charity Care applies to hospital care, not just care for the coronavirus.

If I need medical assistance, where can I go?

CORONAVIRUS: Benefits Information for People without Immigration Status

You can call your health care provider, if you have one, or your local community health clinic, if you need medical care.

Will going to a community health clinic count against me in the Public Charge test?

No.

EMPLOYMENT

If I am undocumented, do I have any right to take paid time off in connection with the coronavirus?

Yes. All of the benefits listed below are available to you no matter what your immigration status is.

Can I get paid time off if I get sick with the coronavirus or if a family member does and I have to take care of them?

Yes. If you work for an employer who has fewer than 500 employees, there is a new federal law just for the coronavirus crisis that gives you up to 80 hours of paid sick time starting on April 1, 2020, fewer if you are a part-time employee. You can use this benefit if:

- you have symptoms of the coronavirus and take time off to consult a doctor;
- you are quarantined by the government or your doctor because you have the coronavirus; or
- you are taking care of someone who is quarantined because they have the coronavirus (paid at two-thirds your regular pay).

You can use this new sick time before using any other sick time you have built up at work. After this new sick time runs out, you can use the sick time you get under Washington law. The amount of sick time that you can get under Washington law depends on how long you have worked for your current employer. Your employer must tell you on your pay stub how much sick time you have earned.

What if I or my family member gets sick but are not diagnosed with the coronavirus?

You can use the Washington sick time that you have earned for any kind of sickness.

What if my workplace is closed and I can't work from home?

You can use your Washington sick time if your workplace is closed by a government order. If you work *in Seattle*, there is also a local law that allows you to use your sick time if your workplace is closed for any health-related reason (no government order required).

What if my children's school or place of care closes or my child's care provider isn't available because of the coronavirus?

You have several options:

- You can take your 80 hours of federal sick time (paid at two-thirds your regular pay).
- Under another federal law, if you have worked for your employer for 30 days, you can take up to 12 weeks partially paid leave because your children's school or daycare closes. Under that law, your job will be protected during your time off if your employer has at least 25 employees.
- If your child's school or place of care has been closed by a public official you can receive the following benefits, *which are not available if your care provider (like your child's grandma) is unavailable:*

CORONAVIRUS: Benefits Information for People without Immigration Status

- o You can use whatever Washington paid sick time you have earned.
- o If you work *in Seattle*, you can use your paid sick time to care for *any family member* whose school or place of care is shut down *for any reason*.

How do I take paid sick time?

If you feel sick, just give your employer notice right away and stay home. If you know that you will need time off, for example if you have a scheduled appointment, give your employer as much notice as you can. If you want to use your federal sick time before your Washington sick time, tell your employer so.

Your employer will be required to pay you for the time you are out sick (up to the number of hours you are allowed under federal law or have earned under Washington law). The pay rate will be your regular rate, except that under the federal law, you only get 2/3 your regular rate of pay for providing childcare or caring for a sick family member. If your employer doesn't allow you to take time off or doesn't pay you for your sick time, contact the Washington Department of Labor & Industries at [360-902-5316](tel:360-902-5316).

What if I or someone in my family gets really sick with the coronavirus?

The Washington Paid Family and Medical Leave program will provide you with up to 12 weeks paid time off if the illness is "serious." This time off is available if you have worked 820 hours in the same year in Washington. You can combine hours from multiple jobs to reach the required number of hours.

If you are undocumented and want to apply, print a Spanish application from the website <https://paidleave.wa.gov/es/apply-now/> (the application download button is found at the bottom of the website) or if you can't print or you need an application in any language other than Spanish, call [833-717-2273](tel:833-717-2273) for an application to be mailed to you. **If you do not have a valid social security number, do NOT put a social security number or ITIN on the application.** Once your application has been sent in, someone at the paid leave program will contact you to make sure they have the information they need to calculate your hours worked.

If you have called the number above and cannot get through to someone, or you have a problem getting or submitting an application, call the ombudsperson's office at [844-395-6697](tel:844-395-6697).

Can I get workers' compensation (Industrial Insurance, L&I) if I get the coronavirus at work?

If you are an essential worker who is quarantined because you were exposed to the coronavirus, you may be eligible to receive this benefit.

A social security number is NOT required to file an application for workers' compensation. For help with a workers' compensation claim, contact the Department of Labor & Industries at [360-902-5800](tel:360-902-5800).

What if I want to isolate myself because I am afraid of the coronavirus, but my workplace is still open?

If you are considered high risk, you can ask for an alternative working arrangement such as working from home, working at another location, or using social distancing measures. If your employer tells you that an alternate working arrangement is not possible, you may take any sick time that you have earned through your employer. Or, you may take an unpaid leave of absence. Your employer cannot replace you, but they may ask you to let them know five days before you plan to return to work. Your employer cannot discontinue your health insurance while you are on leave.

You may exercise your rights as a high-risk worker through June 12, 2020, unless extended by state order. If you aren't sure whether you qualify as high-risk, contact your doctor.

Will using the federal sick time, Washington sick time, and applying for workers' compensation benefits make it harder for me to apply for a green card?

No. None of these employment benefits would count against you on the Public Charge test if you apply for a green card.

If I am undocumented, can I apply for unemployment benefits if my employment is closed because of the coronavirus?

No. You need a valid social security number to apply for this benefit.

HOUSING

Can I get help for paying my rent if I am laid off of work?

If you live in King County, you can request assistance to help pay your rent from United Way by calling 2-1-1 or at <https://www.uwkc.org/renthelp/>. If you have any questions regarding this rental assistance, please call 2-1-1.

Under a statewide program that began in August 2020 through the Department of Commerce, you can request up to 3 months of emergency rental assistance if:

- Your income is at or below 50% of the area medium income;
- At least one month of your rent was not paid or is partially unpaid since March 1, 2020, and;
- 50% or more of your monthly income goes to pay rent, you have experienced homelessness within the last 5 years, you have been evicted from your housing, your housing was disrupted, you are at risk of severe illness, or a household member has a disability.

The rental assistance will be paid to the landlord, who must agree to participate in the program. You must apply for the rental assistance through local service providers. The list of local service providers can be found at: <https://www.commerce.wa.gov/serving-communities/homelessness/eviction-rent-assistance-program/>.

Will receiving rent assistance affect my ability to pass the public charge test?

No.

Can I be evicted from my housing if I do not pay rent?

No. There is a statewide moratorium in effect until December 31, 2020. This means that you cannot be evicted for not paying your rent or fees during the moratorium. For more information see: <https://www.washingtonlawhelp.org/resource/coronavirus-you-cannot-be-evicted-if-you-cannot-pay-the-rent>.

PUBLIC BENEFITS

Can I get other help from the government if I am undocumented?

If you are low-income, you may be able to get:

- AEM—see information about AEM above,

CORONAVIRUS: Benefits Information for People without Immigration Status

- Medical care for pregnant women and new mothers,
- Immunizations for communicable diseases,
- Women, Infants, and Children or WIC,
- Breakfast and school lunches for children (check with your local school district),
- Health care for children up to 21 years of age, and
- Once per year emergency cash called Disaster Cash Assistance Program (DCAP). You do not need to have kids to qualify for DCAP. For more information on DCAP, see Northwest Justice Project's Questions and Answers at <https://bit.ly/2AyD1ly>.

Will using these benefits affect my ability to pass the Public Charge test?

No. Getting any of these benefits doesn't count for the Public Charge test.

Where can I apply for these benefits?

You apply for WIC at local clinics. To find a clinic, call [800-322-2588](tel:800-322-2588). Each person on WIC gets \$50 per month. WIC helps you buy certain foods if you are pregnant and for you and your children up to age 5.

You apply for AEM, medical care for pregnant women, new mothers, Pandemic EBT, and children under 21, along with DCAP by calling [877-501-2233](tel:877-501-2233).

GENERAL ASSISTANCE

Is there other assistance for undocumented individuals during the Governor's order to stay home to stay healthy?

Yes.

If you live in Tri-Cities, you can apply for the "Tri-Cities Mutual Aid Network" fund by sending an email to tcmutualaidnetwork@gmail.com.

Does receiving the assistance from the "Covid-19 Relief Fund for WA Undocumented Folks" or the "Tri-Cities Mutual Aid Network" fund count against the Public Charge test?

No. Receiving this assistance will not count against the Public Charge test.

LEGAL HELP

Where can I get legal help?

- **If you do not live in King County:** You can contact CLEAR, Washington's toll-free advice and referral service for low-income people seeking free legal assistance with civil legal problems by calling [888-201-1014](tel:888-201-1014).
- **If you live in King County:** You can call [211](tel:211) for information and referral to an appropriate legal services provider.