



May 15, 2020

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, DC 20510

The Honorable James Clyburn
United States House of Representatives
200 Cannon House Office Building
Washington, DC 20515

The Honorable Joe Cunningham
United States House of Representatives
423 Cannon House Office Building
Washington, DC 20515

The Honorable Joe Wilson
United States House of Representatives
1436 Longworth House Office Building
Washington, DC 20515

The Honorable Jeff Duncan
United States House of Representatives
2229 Rayburn House Office Building
Washington, DC 20515

The Honorable Tim Scott
United States Senate
104 Hart Senate Office Building
Washington, DC 20510

The Honorable Ralph Norman
United States House of Representatives
319 Cannon House Office Building
Washington, SC 20515

The Honorable William Timmons
United States House of Representatives
313 Cannon House Office Building
Washington, DC 20515

The Honorable Tom Rice
United States House of Representatives
512 Cannon House Office Building
Washington, DC 20515

RE: Federal policy recommendations to ensure future COVID-19 relief efforts include South Carolina's Immigrant Families

Dear Honorable United States Senators and Representatives of South Carolina:

South Carolina Appleseed Legal Justice Center writes to urge South Carolina's Congressional Delegation to ensure that future federal COVID-19 relief efforts do more to

meet the health, safety, and economic security needs of South Carolina's immigrant and mixed-status families.¹

For the last 40 years, SC Appleseed has worked on behalf of low-income South Carolinians to fight social, economic, and legal injustice. We work closely with SC's immigrant community to ensure that South Carolina's immigrant communities have access to social, economic, legal justice, regardless of where they were born. There are over 250,000 foreign born individuals in South Carolina, making up 5.5 percent of the population.² An estimated 125,000 people living in South Carolina report that they have Limited English Proficiency (LEP).³ We can attest from our work with South Carolina's immigrant community that many immigrant and LEP families face unique challenges, in addition to general difficulties and hardship caused by the COVID-19 crisis. These challenges include language barriers and restricted eligibility for health, food, and economic assistance provided by government programs. If families are eligible for benefits, they may not be aware they are or know how to apply. Additionally, many families are afraid to access healthcare or benefits they are eligible for because they fear it might hurt their ability to adjust their immigration status in the future. These types of challenges cause an already vulnerable population to suffer even worse outcomes. The Federal Government should ensure everyone—including immigrants and LEP individuals—has access to the healthcare, food, and economic support they need to keep their families healthy.

Immigrant families make up an important part of South Carolina's economy and essential workforce, but are also disproportionately vulnerable to the negative impacts of the pandemic.⁴ Immigrants pay approximately \$2.1 billion in taxes and bring \$5.9 billion in spending power to South Carolina's economy.⁵ In addition to tax payments and economic spending power, the nearly 23,000 immigrant entrepreneurs in South Carolina created an estimated 65,000+ jobs for their fellow South Carolinians.⁶ While Deferred Action for

¹ Mixed status families are defined as households where one or more members are U.S. citizens and one or more other members of the household are non-citizen immigrants.

² Migration Policy Institute, State Immigration Data Profiles, South Carolina, 2018 available at <https://www.migrationpolicy.org/data/state-profiles/state/language/US/SC/#>, accessed on May 4, 2020.

³ *Id.*

⁴ Rushina Cholera, Olanrewaju O. Falusi, Julie M. Linton, "Sheltering in place in a xenophobic climate: 11 COVID-19 and children in immigrant families. Pediatrics," 2020; doi: 10.1542/peds.2020-1094, available at <https://pediatrics.aappublications.org/content/pediatrics/early/2020/04/26/peds.2020-1094.full.pdf>.

⁵ New American Economy, "Map the Impact, South Carolina," 2018, available at <https://www.newamericaneconomy.org/locations/south-carolina/>, accessed on May 4, 2020.

⁶ *Id.*

Childhood Arrivals (DACA) recipients and other lawfully present immigrants in South Carolina are denied access to in-state tuition rates at institutions of higher education and are not eligible to receive professional licenses because of their immigration status, we know that nationally, immigrant workers, including DACA recipients, make up a significant share of the essential work force helping to ensure our healthcare systems and food supplies keeping meeting people's needs during this crisis.⁷

While we applaud the Federal Government's efforts to address the COVID-19 crisis quickly through various legislative efforts, much of the relief provided by these bills was not made available to immigrant and mixed status families, and we urge South Carolina's Congressional Delegation to remedy this oversight. Below are specific policy recommendations we urge the Congressional Delegation to support to ensure that South Carolina's immigrant and mixed status families have the opportunities and resources they need to meet the challenges of this pandemic.

Ensure everyone has access to free screening, testing, and treatment related to COVID-19 through Medicaid and ensuring adequate funding for Federally Qualified Health Centers.

Federal legislation passed thus far has not done enough to ensure that immigrant families have access to free COVID-19-related care through Medicaid. Right now, only certain immigrants are eligible for full Medicaid coverage in South Carolina.⁸ All other immigrants residing in South Carolina are only eligible for Emergency Medicaid, which will only cover medical treatment related to life threatening conditions. To ensure immigrant families have access to the healthcare they need through Medicaid we urge South Carolina's Congressional Delegation to:

⁷ "While the foreign born represented 17 percent of the 156 million civilians working in 2018, they accounted for larger shares in some frontline occupations: 29 percent of physicians, 38 percent of home health aides, and 23 percent of retail-store pharmacists, for example." Julia Gelatt, "Fact Sheet: Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable," Migration Policy Institute, March 2020, available at <https://www.migrationpolicy.org/research/immigrant-workers-us-covid-19-response>. See also "28.4 million immigrant workers comprised 17 percent of the U.S. labor force in 2018." American Immigration Council, "Immigrants in the United States," April 21, 2020, available at https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_the_united_states.pdf

⁸ Only "qualified" immigrants, as defined at 8 U.S.C. §1641, and lawfully residing immigrant children and pregnant women, as defined in 42 U.S.C. §1396b(v)(3) and Center for Medicare and Medicaid Services Guidance, are eligible for full Medicaid services.

- Restore eligibility for federally authorized immigrants who are otherwise eligible, such as proposed in the Health Equity & Access under the Law (HEAL) for Immigrant Women & Families Act of 2019;⁹
- Make clear in federal law that Emergency Medicaid will cover all COVID-19 related screening, testing, and treatment for immigrants who are not eligible for full Medicaid;
- Ensure that Medicaid providers have equal access, as Medicare providers do, to COVID-19 assistance funds distributed through the U.S. Department of Health and Human Services;¹⁰ and
- Ensure adequate funding for community health centers and Federally Qualified Health Centers, who are essential safety-net medical and mental health providers for the uninsured in many immigrant and low-income communities.

Make cash payments available to individuals who file taxes using an Individual Taxpayer Identification Number (ITIN).

The federal stimulus payments were not made available to taxpayers who file taxes using an ITIN. If a U.S. citizen is married to a spouse who files with an ITIN, the whole family is ineligible for the stimulus payment, even if they have U.S. citizen children. In South Carolina alone, an estimated 30,000 U.S. citizen children and 11,000 U.S. citizen spouses will not receive the stimulus payment because they have an ITIN filer in their household.¹¹ This is deeply unfair and leaves ITIN filers and mixed status families without the economic support they need to stay safe and healthy.

Many undocumented immigrants, in their quest to become U.S. citizens pay taxes on their earnings, and some do so using an ITIN because they do not have a Social Security number. We believe all taxpayers, including those who use an ITIN to file their taxes should be eligible for economic stimulus payments made available to other taxpayers.

If making stimulus payments available to all tax-payers who use an ITIN is not possible, we ask that, as a minimum protection for children in mixed status families, Congress

⁹ See U.S. Representative Deb Haaland's fact sheet "[The Health Equity and Access under the Law \(HEAL\) for Immigrant Women and Families Act of 2019.](#)"

¹⁰ See April 28, 2020 letter to U.S. Department of Health and Human Services's Secretary Azar from the American Academy of Family Physicians, American Academy of Pediatrics, and American College of Obstetricians and Gynecologists, available at https://downloads.aap.org/DOFA/AAP_AAFP_ACOG_LetterToHHS_COVIDReliefFunds_20200428.pdf.

¹¹ Migration Policy Institute, "State by State Data Set: Mixed-Status Families: Unauthorized Immigrants and Their Family Members Ineligible for Federal Pandemic Stimulus Checks under the CARES Act," May 2020, accessed May 15, 2020, available at <http://bit.ly/ImmigrantsExcludedStimulusCARESAct>.

authorize tax-paying “mixed-status” families to qualify for CARES Act payments. U.S. citizen children and spouses who live in mixed-status immigrant families were unfairly excluded from receiving CARES Act economic support. As a result, the approximately 16.7 million people in the U.S. who have at least one person in their household without status,¹² including 5.1 million children, more than 80 percent of whom are U.S. citizens,¹³ will be denied financial support to help their parents keep a roof over their heads and put food on the table. We must address this exclusion in future COVID-19 legislation so that all working families have access to financial relief.

Automatically extend the current work authorizations of DACA recipients and TPS holders.

There are an estimated 7,700 South Carolinians have Temporary Protected Status (TPS) or Deferred Action for Childhood Arrivals (DACA) status.¹⁴ which gives them temporary protection from deportation and work authorization. Nationwide, nearly 500,000 American children under the age of 18 have parents who rely on DACA or TPS in order to work.¹⁵ Many DACA and TPS recipients are employed in health care or service industries and are “essential workers” during this pandemic, including 1,500 DACA recipients working in occupations at the forefront of the COVID-19 response in South Carolina.¹⁶ Given the impact of the pandemic on the U.S. Citizenship and Immigration Services (USCIS) and other logistical issues with the timely processing of work authorization renewals, individuals with DACA and TPS face tremendous uncertainty about their ability to

¹² Silva Mathema, “Keeping Families Together: Why All Americans Should Care About What Happens to Unauthorized Immigrants,” University of Southern California’s Center for the Study of Immigrant Integration, or CSII, and the Center for American Progress,, March 16, 2017 available at <https://dornsife.usc.edu/assets/sites/731/docs/KeepFamiliesTogether-brief.pdf>.

¹³ María E. Enchaitegui, “Facts Sheet: More than 11 Million: Unauthorized Immigrants and Their Families,” December 13, 2013 available at <https://www.urban.org/sites/default/files/publication/24306/412979-more-than-million-unauthorized-immigrants-and-their-families.pdf>.

¹⁴ National Immigration Forum, “South Carolina needsDreamers and TPS recipients to stay,” 2019 available at <https://immigrationforum.org/wp-content/uploads/2019/03/Dreamer-and-TPS-Contributions-in-South-Carolina.pdf>.

¹⁵ Unidos U.S., “White Paper: Beyond the Border: Family Separation in the Trump Era,” March 2019, available at http://publications.unidosus.org/bitstream/handle/123456789/1915/unidosus_beyondtheborder_22519.pdf?sequence=3&isAllowed=y.

¹⁶ Nicole Prchal Svajlenka, “A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response,” Center for American Progress, April 6, 2020, available at, <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

continue working. Congress should automatically extend their work permits so that they can continue to fill critical positions and care for their families without an expiration date hanging over their heads.

Halt implementation of the public charge rules and related regulations.

The Department of Homeland Security (DHS) and State Department's (DOS) public charge rules took effect on February 24, 2020. The regulations have deterred immigrants and their U.S. citizen family members from seeking health, nutrition assistance, and other essential services.¹⁷ Halting this rule would help encourage immigrant and mixed-status families to access healthcare and the public benefits their families are eligible for. In order to protect public health, Congress should pass legislation that halts the application of the DHS and DOS public charge regulations during this crisis.

Ensure that language is not a barrier to receiving vital information and essential services and benefits.

Language barriers should not stand in the way of parents accessing information to help their families get through this crisis, and children should not be forced to translate such important matters. Title VI of the Civil Rights Act of 1964 and subsequent civil rights laws and policies require the government to take steps to address the needs of the estimated 126,000 or more Limited English Proficient (LEP) people living in South Carolina.¹⁸ Under this public health crisis and subsequent economic efforts, these rights become even more important. Funding must be allocated to provide in-language documents about both COVID-19 and the availability of economic support programs, preferably following the FEMA language access plan's 19 recommended languages. South Carolina's State agencies are struggling to meet the need for multilingual information and interpretation services and the Federal Government must help our willing agencies meet that need. Funding must also be provided to health care providers and other front-line workers with access to interpretation services, so that an LEP person, isolated from friends and family, does not find themselves in a hospital due to COVID-19 symptoms but with no way to communicate.

¹⁷ See generally, National Conference of State Legislatures, "Immigration and Public Charge: DHS Final Rule" February 25, 2020, available at <https://www.ncsl.org/research/immigration/immigration-and-public-charge-dhs-proposes-new-definition.aspx>, and Center on Law and Social Policy, "Protecting Immigrant Families Research Summary: Research Estimating Impact of Proposed Public Charge Rule: What Study to Use?," June, 2019, available at <https://www.clasp.org/sites/default/files/publications/2019/07/PIF%20Research%20Guide%2006-19.pdf>.

¹⁸ Migration Policy Institute, State Immigration Data Profiles, South Carolina, 2018 available at <https://www.migrationpolicy.org/data/state-profiles/state/language/US/SC/#>, accessed on May 4, 2020.

The recently introduced Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act contains many of the specific policies outlined above and we ask that you vote to pass the HEROES Act and ensure Federal relief efforts include everyone in South Carolina.

We thank you for your service to our country and the State of South Carolina, and we hope that you will support the above outlined policies to ensure that all South Carolinians have access to the resources and opportunities they need to keep their families healthy and safe during the COVID-19 pandemic.

Sincerely,

A handwritten signature in blue ink, appearing to read "Louise".

Louise Pocock, Immigration Policy Attorney
South Carolina Appleseed Legal Justice Center