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Dear Member of Congress:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national advocacy organizations, I write today to voice deep concern with the Senate's new package of COVID-19 relief proposals as it pertains to immigrants and their families, and to identify the critical changes that must be made immediately. Lives are at stake. While the Senate proposals fail in numerous respects, as [we have pointed out](#), the immigration-related provisions – or more specifically, the lack thereof – demand particular scrutiny at this time.

If Congress wishes to succeed in addressing the ongoing COVID-19 crisis, it cannot afford to leave anyone behind. The health of the public at large, the recovery of our economy, and the integrity of our country as a nation of immigrants all depend on ensuring that all immigrants and their families are included in any legislative package that emerges from Congress during this crisis. This letter will point to several key failings of the Senate proposals that demand your immediate attention.

For decades, and in the midst of the COVID-19 crisis, immigrants have invariably proven themselves to be essential workers in our economy and in the well-being of our nation as a whole. As coronavirus cases are once again spiraling out of control in many areas of our country, immigrant workers – regardless of their immigration status – have continued to meet our needs by attending to public health, our system of agriculture, food preparation and delivery, cleaning and maintenance, and in many other respects. Even though millions of immigrants pay taxes every year, generating tens of billions of dollars in federal revenue,¹ millions have been cut off from life-and-death economic relief and health care programs, under the CARES Act and now under the new Senate bill. We as a coalition endorsed Senator Hirono's Coronavirus Immigrant Families Protection Act (CIFPA), which would address many of the pressing issues missing from the Senate's new COVID-19 package, and strongly urge you to reference that bill for what needs to be done to ensure that no community is left behind.

Specifically, as negotiations over COVID-19 relief legislation gets under way, Congress must address the following shortcomings in the Senate proposals and bring them more in line with the House-passed HEROES Act (H.R. 6800):

¹ See, e.g., American Immigration Council, "The Facts About the Individual Taxpayer Identification Number (ITIN)" Fact Sheet, July 1, 2020, at <https://www.americanimmigrationcouncil.org/research/facts-about-individual-taxpayer-identification-number-itin>.



Direct Economic Relief for Taxpayers: The Economic Impact Payments (EIPs) under the CARES Act provided up to \$1200 per adult and \$500 per child, to allow families to meet emergency financial needs and to help keep the economy afloat during widespread unemployment and business shutdowns. Yet many families and their children were arbitrarily excluded from this relief under the CARES Act if either parent filed their income taxes using an Individual Taxpayer Identification Number (ITIN). In a public health and economic emergency such as the one we are currently facing, such a distinction serves no legitimate purpose, and only penalizes individuals who are already being hit the hardest by the crisis. As Congress moves forward with new legislation, it should ensure that all individuals who file taxes and have paid into our system – whether with a Social Security Number or with an ITIN (as defined under 26 U.S.C. 6109) receive retroactive EIPs under the CARES Act and are included in any new direct relief provisions.

Access to COVID-19 Testing and Treatment: Under existing federal law, full access to Medicaid is not available to everyone who needs it. Currently, many lawfully-working immigrants and their families, including those granted Deferred Action for Childhood Arrivals (DACA) status, lawful permanent residents during their first five years in that status, survivors of crime granted U visas, people from certain Pacific Island nations, and people with Temporary Protected Status (TPS), as well as those without status, are ineligible for federal Medicaid except for emergency services. Again, in a public health and economic emergency, in which anyone can contract or transmit the coronavirus to anyone else, this distinction serves no legitimate purpose and only serves to endanger more lives throughout communities across the country. If Congress is truly determined to stop the spread of the virus and save lives, it must ensure that uninsured low-income immigrants can access COVID-19 testing, treatment, and vaccines in all states through Medicaid programs.

Automatic Renewal of Work Authorizations: While the Trump administration and many states have been pushing (against science) in an effort to reopen the economy and get people back to work, one key federal agency serving immigrant workers has failed to keep up with these demands. As a result of USCIS office closures, mounting delays, and the inability of many workers to pay filing and application fees due to financial hardships, hundreds of thousands of immigrants under DACA, TPS, and other work-authorized statuses are facing tremendous uncertainty about their ability to return to work. Work-authorized immigrants can often be found working at the frontlines of the pandemic and as essential workers throughout the country, and they should not face the prospect of losing their work authorization – or facing deportation because they have little choice but to continue working – in the midst of this public health and economic emergency. As a key step in addressing the crisis and in fostering economic recovery, Congress should ensure that any upcoming COVID-19 legislation adopts Section 191201 of the House-passed HEROES Act, which provides for the automatic extension of work authorization and underlying status of work-authorized immigrants, including DACA and TPS holders.

U.S. Customs and Border Protection Funding & Department of Defense Funding for the Border Wall: While the newly-introduced Senate package contains numerous examples of wasteful spending that fail to promote public health or economic recovery, while shortchanging relief in many important areas, one particularly troubling item is the appropriation of an additional \$1.6 billion for U.S. Customs and Border Protection (CBP). In light of President Trump's history of using such funds to advance dubious policy



objectives, including the deployment of CBP officers to cities like Portland and Washington D.C. to violently quell the constitutional rights of protestors, Congress must reject this allocation. Moreover, there is little traffic at our nation's airports or borders, further calling into question the need for this massive amount of emergency funding to an agency that is responsible for border traffic. In addition, we strongly urge that no funding be allowed to be transferred from Department of Defense funds for building the wall at the border.

Immigration Detention Conditions – Civil Immigration Detention Should Not Be a Death Sentence: ICE has demonstrated that it is unable to keep people safe from COVID-19 in detention. Reports from detention centers across the country have revealed rampant spread of the disease, risking the lives of children and adults, and whistleblowers have revealed the use of deceptive tricks to conceal COVID-19 outbreaks. This jeopardizes the lives of people in detention as well as the staff working on site, and the communities to which they return. The Senate proposal must include the release of people in immigration detention. As transgender asylee, at the Eloy Detention Center in Arizona, Shakira Najera Chilel stated this month, “[n]ow I find myself face-to-face with death again; that's how I feel...Because you can either be a survivor or die from COVID-19.”² No person should die in detention because DHS refuses to provide hand sanitizer and to follow CDC guidelines. This is why our coalition strongly supports the Federal Immigrant Release for Safety and Security Together (FIRST) Act, which prioritizes releasing vulnerable detainees unless they pose a serious risk to the public.³

Viruses do not care about visas. If Congress is serious about containing COVID-19 and restoring our economy, it simply cannot afford to shut out essential workers and their families from economic and health care relief based solely on immigration status. We are all in this together, and it is profoundly important for Congress to ensure that all those affected by the crisis are protected and able to participate in our eventual recovery. In the coming weeks, we look forward to working with you to that end.

Sincerely

Vanita Gupta
President and CEO

LaShawn Warren
Executive Vice President for Government Affairs

² Alicia Reznick, “‘You Can Either Be A Survivor Or Die’: COVID-19 Cases Surge In ICE Detention National Public Radio (NPR), July 1, 2020, at <https://www.npr.org/2020/07/01/871625210/you-can-either-be-a-survivor-or-die-covid-19-cases-surge-in-ice-detention>

³ S. 3645/H.R. 6537, Federal Immigrant Release for Safety and Security Together (FIRST) Act, 116th Congress; text and summary at <https://www.booker.senate.gov/news/press/sen-booker-and-rep-jayapal-unveil-bold-legislation-to-move-immigrants-out-of-detention-and-halt-immigration-enforcement-during-coronavirus-emergency>.