

MA- PIF Coronavirus and Public Charge

March 24, 2020

Dear Allies,

As people across the U.S. – and in Massachusetts communities – confront the coronavirus, health coverage and access to care are critical for every family. Indeed, our community’s health is only as strong as that of our most vulnerable members. In this context, the impact of immigration policies, including the “public charge” rule, is a serious public health concern, as many immigrants are afraid of seeking care or accessing safety net programs. This note aims to answer urgent questions.

Can immigrants in Massachusetts get COVID-19 testing and treatment? **YES. All MassHealth plans, including MassHealth Limited, will pay for a COVID-19 test and treatment,¹ with no out-of-pocket costs for individuals. The Health Safety Net will also cover testing and treatment for COVID-19-related services when provided by hospitals and community health centers.**

- **If you think you are sick or have been exposed to COVID-19, contact your health care provider, or call 2-1-1 for guidance. If you are in respiratory distress, go to your local hospital emergency room.**

Will receiving state-covered COVID-19 treatment be counted against immigrants in the “public charge” test?

USCIS has specifically said it will not consider “testing, treatment, nor preventative care (including vaccines, if a vaccine becomes available) related to COVID-19” as a negative factor in the public charge test, “even if such treatment is provided or paid for by one or more public benefits.”² Emergency Medicaid – MassHealth Limited – is also specifically exempted from being considered under the rule.

- **Everyone who needs care during the COVID-19 health crisis should seek it out without fear of it affecting their immigration status.**
- The Health Connector has opened a Special Enrollment Period for all uninsured residents and is accepting applications until April 25. To apply online, visit: www.mahealthconnector.org
- Your MassHealth coverage will be protected during the COVID-19 crisis. As of March 18, 2020, MassHealth will not end coverage for any member or any person who is approved for coverage during the COVID-19 outbreak national emergency and for one month after the emergency period ends.

¹ <https://www.mass.gov/info-details/masshealth-coronavirus-disease-2019-covid-19-applicants-and-members>. This will be considered emergency care, which will not be a negative factor under the public charge test.

² <https://www.uscis.gov/greencard/public-charge>.

Will receiving unemployment benefits as part of the COVID-19 crisis response be counted in the “public charge” test?

No. Unemployment benefits are NOT among the benefits considered under the public charge test. **Applying for unemployment poses no risk to immigrants’ status.** But remember, benefits use is not the only factor considered for the public charge test. The totality of the circumstances for public charge also includes age, health, family size, income and assets, education, work history and english proficiency.

Will receiving cash or food assistance as part of the COVID-19 crisis response be counted in the “public charge” test?

USCIS has said that immigrants who are subject to the public charge ground will have an opportunity to present evidence regarding how COVID-19 impacted the totality of their circumstances, including their use of relevant public benefits (such as SNAP).³

- **If you need to access cash/food assistance or other benefits during the COVID-19 crisis, you will have an opportunity to present evidence to USCIS showing why this does not reflect your ability to support yourself under normal circumstances.**

Will ICE still be out in our communities? Is it safe to go to the hospital or a health center?

It is safe to seek care at a hospital or health center. ICE considers health care facilities to be “sensitive locations,” and it has explicitly said that during the COVID-19 crisis, it will not carry out enforcement operations “at or near health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities, except in the most extraordinary of circumstances.”

ICE enforcement activities continue, but the agency has said it will be “focusing enforcement on public safety risks and individuals subject to mandatory detention based on criminal grounds.”⁴

- For those individuals who do not fall into those categories, ICE will delay enforcement actions until after the crisis or utilize alternatives to detention.
- ICE will continue to carry out “mission critical” criminal investigations and enforcement operations.
 - Examples include child exploitation, gangs, narcotics trafficking, human trafficking, human smuggling, and participation on the Joint Terrorism Task Force.

³ <https://www.uscis.gov/greencard/public-charge>.

⁴ <https://www.ice.gov/news/releases/updated-ice-statement-covid-19>

What can allies of these communities do?

- Amplify this message: ***that anyone who needs care should seek that care***. While USCIS has made this announcement, it falls far short of a much-needed public education campaign to ensure that individuals are not afraid to access life-saving care because of potential immigration consequences. Public education and communication with our communities is of vital importance now.
- Convince federal, state, and local authorities of the importance of suspending the public charge rule, if not permanently, then at least while dealing with this public health crises, and continuing to provide much needed services to immigrants who are in need.
- Call your delegates and ask them to:
 - Expand paid sick leave bills to include everyone, regardless of their immigration status.
 - Offer an unemployment benefit and nutrition assistance benefit to those ineligible for Unemployment Insurance (UI) or SNAP benefits due to immigration restrictions.

Resources where you can learn more: <https://miracoalition.org/coronavirus>;
<https://www.mass.gov/info-details/masshealth-coronavirus-disease-2019-covid-19-applicants-and-members>.

If we want to build a stronger, more resilient, better-prepared, and healthier country where all can thrive, we must provide access to healthcare and resources to all who need it, especially to the most vulnerable among us.

Thank you for all you do,
MA-PIF.