

Sen. Richard Durbin
711 Hart Senate Building
Washington, D.C. 20510

Sen. Tammy Duckworth
524 Hart Senate Office Building
Washington, D.C. 20510

RE: Request to rescind the Public Charge rule and to include protections and access to support for immigrants in future federal legislation

Dear Senators Durbin and Duckworth,

Legal Council for Health Justice respectfully requests your consideration of the following policies for inclusion in the forthcoming Senate COVID-19 4.0 legislation. We are all in this together. That means we are all harmed when immigrants are excluded from our healthcare system or when they fear going to the doctor because of the Federal Administration's public charge policies.

Legal Council serves low income individuals, children, and families regardless of their sex, gender identity and expression, sexual orientation, race, national origin, immigration status, or language proficiency. We provide specialized free legal services, policy, and other advocacy for those living with chronic, disabling, and stigmatizing health conditions in order to maximize access to good health and appropriate education. We work to ensure that all Illinoisans can reach their full potential. The populations we serve are the very same who remain uniquely vulnerable to the health and economic ravages of the Coronavirus: those who have been excluded from the previous legislative public health and economic relief efforts, simply because of where they were born.

That's why it is crucial that Congress pass legislation that eliminates barriers to health screenings and treatment in Medicaid, supports basic needs for immigrant families (including access to stimulus payments and nutrition assistance), and suspends the public charge policies.

Access to Healthcare

Though it seems obvious to prioritize access to health care in the midst of a public health crisis, as you well know, Congress has yet to pass legislation that provides adequate access to care, testing, and treatment for the majority of uninsured immigrants. The Families First Act and the Cares Act provided federal funding to reimburse health care providers, including community health centers and hospitals, for testing and treatment of uninsured people. But we know these funds, including the HRSA emergency funds for health care providers, are insufficient to cover treatment for everyone who needs it. Furthermore, many lawfully residing immigrants -- including people granted DACA, most 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 TPS -- along with those without status, remain ineligible for federal affordable health care options, including Medicaid.

We need Congress to ensure that Medicaid covers testing, treatment, and vaccines for all low income uninsured individuals, regardless of their immigration status or the state where they live.

Access to Economic Opportunities

Among the most important lessons of this pandemic is that we are all interdependent. Economic stimulus that excludes immigrants who are working and paying taxes leaves us all vulnerable. In fact, immigrants are particularly vulnerable in the COVID-19 health and economic crisis. Recent findings from the Migration Policy Institute (MPI) show that approximately six million immigrants contribute to industries on the front line of the COVID-19 response, such as health care, agriculture, and manufacturing. MPI also estimates that another 6 million immigrants work in hard-hit sectors facing severe economic harm and are among the millions of workers being laid off in response. Yet, once again these individuals and families have been locked out of access to Federal aid due to Social Security Number (SSN) requirements, excluding them from critical financial support during the highest period of unemployment since the Great Depression.

We ask that the next Congressional relief package (1) remove SSN requirements for any stimulus payment or recovery rebate, (2) establish an automatic eligibility assessment, payment, and application process that includes those who did not file taxes in 2018 or 2019 because they did not earn enough to meet the requirement, and (3) fund a public education campaign to inform immigrant communities about the options under federal law.

Freedom from Fear

The Administration's relentless attacks on immigrants have taken a toll on immigrants and their U.S. citizen family members, who have been deterred from seeking health services, nutrition assistance, or other critical services. Declarations filed with the U.S. Supreme Court in public charge litigation include many examples about the impact of public charge on immigrants during this crisis. For instance, the Illinois Coalition for Immigrant and Refugee Rights reports increased fear among immigrants calling for assistance with obtaining medical care, food, unemployment, and housing since the start of the COVID-19 emergency. Callers are expressing concern that receiving COVID-19 related medical testing or treatment for themselves, their families, or their family members will subject them to public charge. This is especially true of seniors and individuals with underlying health conditions, even though they are at greater risk of serious health complications or even death due to COVID-19. Many callers are concerned that seeking COVID-19 related medical testing or treatment may risk their ability to stay in the country.

Congress should use all the tools at your disposal to prevent the implementation of this cruel and punitive rule. Immigrants and their family members should not fear that they will be penalized or placed at risk for seeking health care and other needed services, and they need to be able to access information about their health care options—especially during this public health pandemic.

Information Access

Finally, more than 25 million people in the U.S. have limited English proficiency, and all need access to timely and accurate information during the global pandemic. Currently, only a handful of federal agencies are providing translations and language accessible telephone services, but such services remain sporadic and unacceptable. COVID-19 puts everyone at risk, and our national response to this crisis will not succeed with only sporadic translation of information. Language barriers must never prevent anybody from accessing vital and potentially life-saving information. Providing translations will be critical in our fight to combat this illness and overcome this crisis. We ask that all federal agencies translate all written COVID-19-related materials that are produced for the public into multiple languages.

COVID-19 does not pick and choose the communities it impacts. We need a COVID-19 relief bill that works, for everyone—one that ensures that we are all safe, healthy, and have the economic means to thrive, regardless of status. Legal Council is grateful for your consideration, and ask that you do not hesitate to contact Carrie Chapman, Senior Director of Litigation and Advocacy (cchampan@legalcouncil.org), with any questions or to provide further information.

Sincerely,

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