

FREQUENTLY ASKED QUESTIONS: ELIGIBILITY FOR ASSISTANCE BASED ON IMMIGRATION STATUS

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In response to the COVID-19 pandemic, Congress has passed several emergency measures that provide assistance to struggling individuals and families. The [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) included funding for several housing programs as well as other financial assistance. However, some of these programs restrict eligibility based on immigration status. Immigrant families also may have questions about the implications of using these programs, under the Department of Homeland Security's new public charge rules, which can affect some noncitizens seeking admission to the U.S. or applying for lawful permanent resident status (green card). The [COVID-19 relief legislation](#) enacted by Congress in December 2020 establishes a \$25 billion emergency rental assistance fund, extends the federal eviction moratorium and the CARES Act's deadline for spending certain federal funds, and provides additional critical resources to assist individuals and families amid the ongoing pandemic. The table below provides information about immigrants' eligibility for these programs in addition to potential implications for public charge determinations.

Program	Immigrant Eligibility	Public Charge Implications
<p>Community Development Block Grants (CDBG) The CARES Act provided \$5 billion for CDBG funding to cities and states. This is flexible funding. Congress and HUD have granted additional waivers and guidance that allows grantees to spend more of the funding on public services.</p>	<p>CDBG funding does not have specific immigration status eligibility requirements. Immigrants without documentation are able to access emergency services and those provided by nonprofit charitable organizations. Learn more.</p>	<p>Not included in public charge determination.</p>
<p>Coronavirus Relief Fund (CRF) The CARES Act provided a \$150 billion Coronavirus Relief Fund for state, tribal, and local governments to help cover "necessary expenditures incurred due to the public health emergency" created by COVID-19.</p>	<p>The CRF provision in the CARES Act does not specify any restrictions based on immigration status.</p>	<p>Disaster assistance is not weighed in a public charge determination.</p>
<p>U.S. Department of the Treasury's Emergency Rental Assistance Program The Consolidated Appropriations Act, 2021 established a \$25 billion Emergency Rental Assistance program (ERAP) administered by the U.S. Department of the Treasury through the Coronavirus Relief Fund (CRF). The funds are provided directly to states, U.S. territories, eligible local governments, and tribal communities to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic.</p>	<p>The law establishing the Emergency Rental Assistance Program does not impose restrictions based on immigration status.</p>	<p>Emergency rental assistance is not weighed in a public charge determination.</p>
<p>Emergency Solutions Grants (ESG) The CARES Act included \$4 billion in ESG funding to help prevent an outbreak among sheltered and unsheltered people experiencing homelessness and very low-income households.</p>	<p>Many services funded through ESG are exempt from immigration restrictions, and anyone, regardless of immigration status, can receive services through street outreach, emergency shelter, Safe Haven programs, rapid re-housing, and transitional housing only if it is owned by the grant recipient or subrecipient. Transitional housing that uses rental assistance payments to individuals is restricted to eligible immigrants.</p>	<p>Not included in public charge determination.</p>

Other HUD Programs

The CARES Act provided resources for other HUD programs, such as public housing, vouchers, project-based rental assistance, HOPWA, Section 202, and Section 811. These funds will help maintain normal operations.

Public housing, Section 8 vouchers, and project-based rental assistance have restricted eligibility for immigrants. [Learn more.](#)

HOPWA, Section 202, and Section 811 do not have immigration restrictions.

Public housing, Section 8 vouchers, and project-based rental assistance are considered in public charge determinations.

HOPWA, Section 202, and Section 811 are not considered in public charge determinations.

Unemployment Insurance (UI)

The CARES Act expands and extends UI to cover people who are unemployed or underemployed due to COVID-19 (PEUC) for an additional 13 weeks. It also created a new program that covers some individuals who are not eligible for or who have exhausted their UI benefits (PUA). The CARES Act also added \$600 per week to the payments in both programs.

For regular UI benefits, immigrants generally must be work-authorized currently and while receiving benefits as well as during the "base period."

The Department of Labor confirmed that an applicant must be "able and available" to work under a state's laws to receive PUA.

UI is not considered in public charge determinations.

Economic Impact Payments

The CARES Act included individual one-time cash assistance payments of \$1,200 for most individuals earning less than \$75,000 or \$2,400 for taxpayers filing jointly. Families will receive an additional \$500 per child.

To be eligible, individual tax filers and their spouse (if filing jointly) must have valid Social Security Numbers (SSNs). Children claimed as dependents must also have valid SSNs.

Because the Economic Impact Payments are a tax credit, they are not considered in a public charge determination.

FEMA Assistance

The bill provides \$45 billion for the Disaster Relief Fund, the primary funding source for FEMA disaster recovery programs, and \$200 million for the Emergency Food and Shelter Program, which provides shelter, food, and supportive services through local service organizations.

FEMA's short-term non-cash assistance does not have immigration restrictions; FEMA cash assistance is only available to individuals with [eligible immigration status](#) or households with at least one eligible adult or child.

Not included in public charge determination.

Additional information:

- This [memo](#) from the National Housing Law Project provides additional information about immigration requirements for ESG, CDBG, HOME, and FEMA, CRF, and ERAP assistance.
- The Protecting Immigrant Families campaign's overview of [Immigrant Eligibility for Public Programs During COVID-19](#) includes information on health care and food assistance.
- Additional information about the public charge regulations is available in this [FAQ](#) from the Protecting Immigrant Families campaign.
- In the absence of federal restrictions, state and local governments cannot impose their own immigration status or Social Security Number requirements.

