

# FREQUENTLY ASKED QUESTIONS: ELIGIBILITY FOR ASSISTANCE BASED ON IMMIGRATION STATUS

APRIL 2022

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. Congress enacted [COVID-19 relief legislation](#) in December 2020 and the [American Rescue Plan Act \(ARPA\)](#) in March 2021. Together, these two laws provide \$46 billion for emergency rental and utility assistance, \$5 billion to assist people who are homeless with immediate and longer-term needs, and \$350 billion to help state and local governments respond to COVID-19 and its economic effects, including through aid to households, among other vital provisions.

However, some programs included in the COVID relief laws 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 or Department of State's public charge policies, which can affect some noncitizens seeking admission to the U.S. or applying for lawful permanent resident status (green card). The only benefits considered in the current public charge test are monthly cash assistance programs, like SSI, TANF or General Assistance and government funded long-term care.

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  |
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| <p><b>Community Development Block Grants (CDBG)</b><br/>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>   | CDBG funding does not have specific immigration status eligibility requirements.                                       | CDBG funds are not considered in a public charge determination.                 |
| <p><b>Coronavirus Relief Fund (CRF)</b><br/>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>   | The CRF provision in the CARES Act does not specify any restrictions based on immigration status.                      | Disaster assistance is not considered in a public charge determination.         |
| <p><b>U.S. Department of the Treasury's Emergency Rental Assistance Program</b><br/>The Consolidated Appropriations Act, 2021 and the <a href="#">American Rescue Plan Act</a> provide \$46 billion for the <a href="#">Emergency Rental Assistance program</a> (ERA) administered by the U.S. Department of the Treasury. 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> | The law establishing the Emergency Rental Assistance Program does not impose restrictions based on immigration status. | Emergency rental assistance is not considered in a public charge determination. |

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### 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.

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](#).

ESG is not considered in a public charge determination.

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### 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, project-based rental assistance, HOPWA, Section 202, and Section 811 are not considered in public charge determinations.

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### Unemployment Insurance (UI)

The CARES Act and American Rescue Act expanded and extended UI to cover people who are unemployed or underemployed due to COVID-19 (PEUC). It also created a new program that covers some individuals who are not eligible for or who have exhausted their UI benefits (PUA). The American Rescue Plan Act added \$300 per week for individuals collecting any form of UI and extended PEUC and PUA benefits to September 6, 2021.

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 should be considered an earned benefit that is not considered in public charge determinations.

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### 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. The Consolidated Appropriations Act provided an additional round of EIPs limited to \$600 per individual. The American Rescue Plan Act provided eligible individuals EIPs of up to \$1,400 for individuals or \$2,800 for married couples earning less than \$75,000 or 150,000 for taxpayers filing jointly.

To be eligible for the first and second rounds of EIP, at least one tax filer must have a valid Social Security Number (SSN). Any children claimed as dependents must also have a valid SSN. The [third round of EIP](#) is available to any person in the tax filing household with an SSN (including households where only the children have SSNs). For more details, see this [fact sheet](#) from the Protecting Immigrant Families campaign

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

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### 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.

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### Coronavirus State and Local Fiscal Recovery Funds

The American Rescue Plan Act provides [\\$350 billion](#) in emergency funding for state, local, territorial, and tribal governments to respond to the COVID-19 public health emergency and its negative impacts, including by providing assistance to households, small businesses and nonprofits, aid to impacted industries, and support for essential workers.

The state and local fiscal aid provision in the ARPA does not specify any restrictions based on immigration status.

Disaster assistance is not considered in a public charge determination.

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### Low-Income Home Energy Assistance Program (LIHEAP)

The CARES Act and American Rescue Plan Act provided a combined \$5.4 billion for utility assistance through the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP provides assistance with home energy bills, energy crises, weatherization, and energy-related minor home repairs.

LIHEAP direct assistance with energy bills is available only to families with eligible immigration status. However, households with at least one eligible adult or minor child may be eligible for pro-rated assistance, depending on the state. Cooling centers have no immigration restrictions, and weatherization programs offered to apartment buildings are also available without regard to the residents' immigration status.

LIHEAP is not considered in a public charge determination.

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### Low-Income Household Water Assistance Program (LIHWAP)

The Consolidated Appropriations Act of 2021 and the American Rescue Plan Act provided a combined \$1.38 billion towards the creation of Low-Income Household Water Assistance Program (LIHWAP), which provides funds to assist low-income households with water and wastewater.

The Office of the Administration for Children and Families has determined LIHWAP is only available to individuals with eligible immigration status or households with at least one eligible adult or minor child. Mixed status households can receive payment for an outstanding water bill, and may be eligible for a proportional rate reduction for ongoing services.

LIHWAP is not considered in a public charge determination.

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## Additional information:

- This [memo](#) from the National Housing Law Project provides additional information about immigration requirements for ESG, CDBG, HOME, 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. The Treasury Department [states](#) that requiring applicants to provide their social security numbers to be eligible for ERA is not consistent with [Treasury's guidance](#) or the [Privacy Act](#).



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