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## **HEROES ACT MIGRATION-RELATED PROVISIONS OVERVIEW** **(H.R. 6800)**

The House is expected to pass the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act to further respond to health and economic needs related to COVID-19. While there are many positive migration-provisions in the bill, there are a few migration-related issues missing from the HEROES Act that we urge Congress to consider as this and other bills move forward.

### **Positive Migration-Related Provisions in HEROES Act**

#### **1. Ensures No-Cost Testing, Treatment, Vaccines for All Regardless of Status** (Section 30105, p 311)

- The HEROES Act permits testing, treatment, vaccines and other health care regardless of immigration status to a person who may be indicated to have contracted COVID-19. Use of Medicaid for such treatment would not be considered for public charge purposes. HEROES would ensure that all immigrants, not just certain “qualified” immigrants, would be eligible for COVID-19 testing and treatment under Medicaid if otherwise eligible for the program.

#### **2. Extends Certain Work Authorization and Visas** (Section 191201, 191203, pages 1729, 1737)

- The HEROES Act creates protections for certain noncitizens in the United States, as well as certain immigrant visa applicants, affected by processing delays and travel restrictions related to COVID-19. Temporary immigration status or an employment authorization document (EAD) that is set to expire during COVID-19 is automatically extended for a temporary period. Expiration dates of issued immigrant visas are extended for the duration of COVID-19. Immigrant visa numbers that go unused at the end of the fiscal year are rolled over for use in subsequent fiscal years and voluntary departure deadlines would be extended during COVID-19.

Also, DACA and TPS recipients and certain critical workers are protected:

- DACA/TPS: EADs are extended for at least the original time granted to the person. (page 1729)
- Critical infrastructure: EADs and protection from removal ensured for those in critical infrastructure: agricultural workers, meatpackers and others. Employers are to be shielded from certain violations related to employment of these workers. (page 1737)

#### **3. Extends Cash Payments to Immigrant Families** (Section 20102, page 151)

- HEROES extends CARES Act cash payments including payments made under the CARES Act to persons filing with an Individual Taxpayer Identification Number (ITIN). Currently, the filer (and spouse if filing

jointly) must use a social security number or the entire family is excluded from any payment. The bill also expands eligibility for the \$500 CARES Act child payment to include “dependents” not just “children,” i.e., full-time students under the age of 24 plus adult dependents. Similarly, ITIN filers would be eligible for the additional stimulus payments of \$1,200/taxpayer and \$1,200 per dependent (up to 3).

#### **4. Provides for Temporary Remote Naturalization Oath Ceremonies** (Section 191202, page 1734)

- HEROES Act requires the Department of Homeland Security (DHS) to establish procedures for remotely administering naturalization oath ceremonies during COVID-19. There are estimated to be well over 100,000 individuals who have satisfied every requirement for U.S. citizenship except for the ceremonial Oath of Allegiance.

#### **5. Extends Higher Education Emergency Relief Funds** (Section 150110, page 1357)

- Extends eligibility for emergency relief grants to students regardless of immigration status (Date Of Entry currently limits access to those eligible for federal grants, excluding Dreamers and other categories).

### **Migration-Related Recommendations Missing from HEROES Act**

**1. Refugee-Related Provisions.** Despite the noted impact of COVID-19 on the refugee community, no refugee related provisions are in the HEROES Act. We recommend that Congress

- Provide \$642 million for the Office of Refugee Resettlement through the Refugee and Entrant Assistance account to ensure that recently arrived, vulnerable groups like refugees, asylees, Afghan/Iraqi SIVs, trafficking victims, Cuban/Haitian Entrants have housing, food, and care.
- Ensure that 2019 and 2020 refugee arrivals receive IRS Economic Impact Payments.
- Automatically extend security check validity periods and processing deadlines so that refugees are not harmed by COVID-19 disruptions to applications, renewals and processing.

**2. Detention Health-Related Release Provisions.** While HEROES provides some protection to detainees – such as free and unlimited access to soap and telephones, the bill falls short protecting immigrant detainees and ICE staff and workers from COVID-19. We recommend that Congress:

- Mandate releases for COVID-19 vulnerable detained population.
- Mandate testing for vulnerable and exposed populations in detention.
- Provide \$55 million to DHS for the Federal Emergency Management Agency to ensure provision of stabilization services for released detainees in line with Center for Disease Control protocols.
- Mandate review of detainees to be enrolled in Alternatives to Detention in lieu of releases for populations not subject to mandatory detention.