

IMMIGRATION AND COVID-19

Immigrant Law Center of Minnesota



USCIS Closures

■ United States Citizenship & Immigration Services

(Agency that deals with citizenship, green cards, DACA, employment authorization)

- *All offices are closed through April 7th. We expect them to be closed longer, and will provide continuing updates.*
- *Asylum Interviews: USCIS will automatically reschedule all asylum interviews*
- *Biometrics Appointments: USCIS will automatically reschedule if this is your first work permit application. **If you had an appointment on or after March 18, USCIS will use your previous biometrics (applies to renewals only)***
- *Infopass/Field Office Appointments (Includes green card and citizenship interviews): Call to reschedule*

Pending Applications

- Expect delays, things will take longer
- Requests for Evidence and Notice of Intent to Deny:
 - *If you get one of these between March 1 and May 1, you have an additional 60 days to send the evidence that USCIS is requesting.*

Other Deadlines

- No other deadlines have been extended
 - *1 year deadline to apply for asylum remains*
 - *Certain immigration protections available to your children before they turn 21 (children both inside and outside the US), so if they are approaching age 21 speak with an attorney immediately.*
 - *Unaccompanied minors must still apply for asylum before they turn 18*

Immigration Court in Minnesota

- Court closed since Friday
- Court appears to be taking things on a day to day basis, we will provide updates on our website.
- Court is hearing only detained cases
 - *If your family detained you can request bond, our website has some materials on applying for bond*
 - *MN Freedom Fund: can apply for funds if you or your family can't afford to pay the bond.*
 - *Can call our detention hotline:*
- All non-detained court hearings through April 10 will be rescheduled
 - *As you may know, before you go before an immigration judge, you can and should submit evidence in your case to the court. The deadline to submit evidence in your case **is not changing.***

ICE/ISAP Check Ins

- If you have a check-in scheduled you need to call ICE/ISAP immediately to request a telephonic check in.
- Phone Number for Local ICE Office: 612-843-8600

DACA

- No new applications are currently being accepted (this may change)
- Supreme Court Decision regarding the fate of DACA expected by June, could be sooner.
- If your DACA expires this year, contact an attorney ASAP to apply for a renewal
 - *ILCM is still doing intakes. Visit our website for the dates and times for telephone intakes*

Work Permit Renewals

- 120 day automatic extension for certain categories
 - *Eligible Categories:*
 - Refugee (a)(3)
 - Asylee (a)(5)
 - Withholding of Removal/Deportation Granted (a)(10)
 - TPS Granted (a)(12)
 - Pending Asylum Application (c)(8)
 - Pending AOS under Section 245 (c)(9)
 - Pending initial application for TPS where USCIS (immigration agency) has determined applicant appears on the face of the application to be eligible for TPS and applicant can receive work authorization as a “temporary benefit” (c)(19)
 - VAWA (violence against women act) self-petitioners (c)(31)

UNITED STATES OF AMERICA **PERMANENT RESIDENT**

SURNAME
SPECIMEN

GIVEN NAME
TEST V

USCIS#
000-000-001

CATEGORY
RE8

COUNTRY OF BIRTH
UTOPIA

DATE OF BIRTH
01 JAN 1920

SEX
F

CARD EXPIRES: **08/21/07**

RESIDENT SINCE: **08/21/07**

Test V. Specimen



01 JAN 1920

SPECIMEN TEST V 01 JAN 1920

UNITED STATES OF AMERICA

PERMANENT RESIDENT

TEST V. SPECIMEN

Somali TPS

- TPS for Somali nationals has been extended through September 2021
 - *Re-registration period is Mar 11, 2020 to May 11, 2020*
 - *Speak to an attorney ASAP to begin the renewal process*

Visa Processing Times

Getting status outside the country: you may have had plans to travel to an embassy for an interview, or perhaps you are sponsoring a family member outside the United States and they are waiting for an interview. Unfortunately those interviews are being delayed.

- There are no extensions on any deadlines for information related to the visa application process.*
- We have no information, we are working with our partners and other legal professionals*
- No visa interviews are currently taking place at any U.S. embassies, so expect delays in consular processing times*

Public Charge

- What is Public Charge?

- *Ground of “inadmissibility”*
- *Public charge is a test used by immigration officials to decide whether a person can enter the United States, get a green card, or extend or change a visa.*
- *The test is used to identify someone who may depend on the government for their basic needs and will not be self-sufficient.*
- *Immigration looks at all of the applicant’s circumstances and considers age, health, family and financial status, as well as education and skills*

Public Charge Continued

- When does Public Charge apply?
 - *Ground of “inadmissibility”*
 - *Public charge is a test used by immigration officials to decide whether a person can enter the United States, get a green card, or extend or change a visa.*
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Public Charge Continued

- Benefits Considered:

- *Federal/state/local/tribal cash assistance (includes supplemental social security income)*
- *Food Stamps*
- *Section 8 Housing/Section 8 Project Based Rental Assistance*
- *Medicaid (unless under 21)*

Public Charge Continued

- Benefits Not Considered:

- *Medicaid for Emergency Medical Conditions*
- *Disability Education Act (Medicaid funded)*
- *School-based services (provided the individual is at or below lowest eligible age)*
- *Medicaid benefits to non-citizens under 21*
- *Medicaid benefits received by a woman during pregnancy or 60 days after she gives birth*
- *Unemployment Benefits*

Many Benefits Are Safe to Use

Cash	Food	Healthcare	Other
Social Security, disability or retirement benefits	WIC (women, infants & children)	Minnesota care	Disaster Relief
Foster Care	School lunches	Children's Health Insurance Program (CHIP)	Emergency assistance
Adoption Assistance	School breakfast	Medicare	Earned Income Tax Credit
VA Benefits	Food shelves	Emergency MA	Childcare assistance
Worker's Compensation	Soup kitchens	Obamacare subsidies and tax credits	Head Start
Unemployment Benefits	Shelters	MA for children under 21 & pregnant women	Pell grants, student loans, scholarships

Exemptions

- Some individuals may be exempt from public charge, so you need to speak to an attorney to determine if public charge applies to you
- Some exemptions include:
 - *Asylees/Refugees*
 - *VAWA self-petitioners*
 - *T & U visa applicants*

Mixed-Status Households

- If you are a non-citizen but your child or spouse is a citizen, lawful permanent resident, or otherwise exempt from the public charge rule, they can apply for a means-tested benefit and it will not affect your public charge determination.
- In other words – it only applies to the individual receiving the benefit

Public Charge Continued

- If you need to apply for a means-tested benefit, you can include an explanation when you apply for an immigrant visa, and USCIS will take the reason(s) you applied for a means-tested benefit into consideration.
- Ex: “I lost my job because of the COVID-19 quarantine and I needed to apply for food stamps”
- Mid-Minnesota Legal Aid has a public charge hotline you can call for more information: **1-800-292-4150**.

Unemployment Benefits

- Non-citizens who **are legally authorized to work in the U.S. are eligible** if they otherwise meet the unemployment guidelines in Minnesota
- **Will not** affect public charge determination
 - *Visit lawhelpmn.org for legal advice related to unemployment*
 - *To view eligibility criteria and apply for unemployment assistance visit www.uimn.org*

Stimulus Checks

- Non-citizens are eligible if they have a valid social security number issued by the government
- If you have an ITIN you will not qualify, even though you pay taxes
- If you are claimed as a dependent on someone else's tax return, you are not eligible
- If you have a valid social security number, but your spouse does not, and you file taxes together, then you are not eligible

Stay at Home Order

- Evictions have been halted by Gov. Waltz
- Police cannot stop you just for being outside
- Gatherings in large crowds will not be permitted

Wrap-Up

- Thank you for joining us for this update, we hope it has been helpful! Our team will be doing more FB live events, so please be sure to follow our page so you won't miss them. Again, a reminder to consult an attorney if you have any questions regarding your specific situation.
- We are still doing intakes, so if you need legal assistance please visit our website at www.ilcm.org to see our intake hours.