“Immigration 101: Resources and Updates”

Housing Matters! Conference
10.26.2017

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Illinois Coalition for Immigrant and Refugee Rights

- ICIRR is dedicated to promoting the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society.

- In partnership with our member organizations, the Coalition:
  - educates and organizes immigrant and refugee communities to assert their rights;
  - promotes citizenship and civic participation; monitors, analyzes, and
  - advocates on immigrant-related issues; and
  - informs the general public about the contributions of immigrants and refugees.

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Agenda:

- Immigration and Health Access Basics
- The Current Landscape
- Immigration Enforcement and its impact on CBO’s
- Getting Involved
Illinois Coalition for Immigrant and Refugee Rights

IN ILLINOIS

- Undocumented: 525,000
- LPRs*: 540,000
- Naturalized Citizens: 700,000
- Foreign-born parents: 1,500,000

Eligible for Citizenship: 65% = 351,000
Health & benefits: two main standards

**Qualified immigrant**
- Used for Medicaid and many public benefits programs
- Biggest group = LPRs
- Also includes asylees, refugees, some domestic violence victims
- Many programs include a five-year waiting period (with some exclusions)

**Lawfully present/residing**
- Used for ACA marketplace plans and in CHIP/Medicaid for kids & pregnant women in some states
- Includes all qualified immigrants (no waiting period for access)
- Also includes visa holders, persons granted TPS, and just about any form of relief
- Deferred Action included, but DACA is excluded by regulation
Access to health & benefits program
<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>LAWFUL PERMANENT RESIDENTS (age 18 and over)</th>
<th>LAWFUL PERMANENT RESIDENTS (under age 18)</th>
<th>LAWFUL PERMANENT RESIDENTS (pregnant women)</th>
<th>REFUGEES, ASYLEES, VICTIMS OF TRAFFICKING, OTHERS¹</th>
<th>LAWFULLY PRESENT INDIVIDUALS</th>
<th>UNDOCUMENTED IMMIGRANTS and DACA RECIPIENTS² (including children and pregnant women)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACA – Health Care Reform Subsidies (premium tax credits and cost-sharing reductions)</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Eligible</td>
<td>Not eligible Also not eligible for full-priced health insurance in the Exchange marketplace</td>
</tr>
<tr>
<td>SNAP</td>
<td>Not eligible until after 5-year waiting period or have credit for 40 quarters of work</td>
<td>Eligible</td>
<td>Not eligible until after 5-year waiting period or have credit for 40 quarters of work</td>
<td>Eligible</td>
<td>Not eligible</td>
<td>Not eligible</td>
</tr>
<tr>
<td>MEDICAID</td>
<td>Not eligible until after 5-year waiting period ³</td>
<td>State option ⁴ to provide without a 5-year waiting period ³</td>
<td>State option ⁴ to provide without a 5-year waiting period ³</td>
<td>Eligible ⁵</td>
<td>State option for children under 21 and pregnant women only</td>
<td>Eligible only for emergency Medicaid</td>
</tr>
<tr>
<td>CHIP</td>
<td>Not eligible until after 5-year waiting period</td>
<td>State option ⁴ to provide without a 5-year waiting period</td>
<td>State option ⁴ to provide without a 5-year waiting period</td>
<td>Eligible</td>
<td>State option for children under 21 and pregnant women</td>
<td>Not eligible</td>
</tr>
<tr>
<td>TANF</td>
<td>Not eligible until after 5-year waiting period ⁴</td>
<td>Not eligible until after 5-year waiting period ⁴</td>
<td>Not eligible until after 5-year waiting period ⁴</td>
<td>Eligible ⁵</td>
<td>Not eligible</td>
<td>Not eligible</td>
</tr>
<tr>
<td>SSI</td>
<td>Not eligible until after 5-year waiting period and have credit for 40 quarters of work or meet another exception</td>
<td>Not eligible until after 5-year waiting period and have credit for 40 quarters of work or meet another exception</td>
<td>Not eligible until after 5-year waiting period and have credit for 40 quarters of work</td>
<td>Only eligible during first 7 years after status is granted</td>
<td>Not eligible</td>
<td>Not eligible</td>
</tr>
</tbody>
</table>

*Information based from NILC’s health staff attorneys*
The Current Landscape
Four Executive Orders in Immigration

1) Muslim & refugee bans: Seeks to “temporarily” halt all entry from 6 Muslim countries and all refugees; also cuts refugee entries in half. Does not impact health & benefits. Currently tied up in courts.

2) Border enforcement: Calls for the so-called wall and increase in border patrol and detention on the southern border. No direct reference to health or benefits.

3) Interior enforcement: Calls for changes to enforcement priorities and punishing so-called sanctuary cities. Some reference to health & benefits in memos, but does not mean much.

4) DACA: On September 5th, the Trump administration announced the end of DACA.
Immigration Enforcement and its Impact on CBO’s
Implications

- **Chilling effect in accessing safety net services.**
  - People wanting to stop receiving services from WIC, Medicaid, and other programs out of fear of having immigration status exposed or questioned.
  - Fear around the privacy of personal information found in participant records.
  - Fear around the use of medical services and whether patient will need to pay back

- **Fear of immigration enforcement actions at facilities providing services.**
  - Fear that ICE may be at or near a facility

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Fear of Using Medical / Safety Net Services

- If I use these benefits, will I be deported?

Under current laws, people are usually not deportable for using benefits for which they are eligible. There is confusion and fear around public charge: does not have to be.

**Public Charge:** Cash Benefits (TANF, Long term care)

- If I use these benefits, do I or a relative have to pay back for these services?

There is confusion and fear around sponsor liability, where sponsors may be held accountable for used benefits

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Concerns around the Privacy of Personal Information Found in Participant Records.

Is my personal and/or medical information secure or could ICE use it to find me?

**Existing guidance:**
Information submitted when applying for safety net benefits is used to determine eligibility.
Information is not to be used for law enforcement purposes (exception: fraud investigations).

**Health Insurance Portability and Accountability Act (HIPAA):**
Protects against disclosure of personal identifying information.
There’s a need for national origin and immigration status to be protected, but you do not need to ask.

**ICE Memo clarifying use of health care information (2011):**
Confirmed that information used to enroll in the ACA would not trigger immigration enforcement activity.

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While there is a low likelihood that an enforcement action could occur at a health center/CBO, there are reports of ICE presence at health center parking lots and ICE arresting people across the street from a health center.

Know Your Rights!

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Know Your Rights

At organizations:

- Immigration enforcement actions at health settings are protected by the 4th Amendment
- Create a Response Plan
- Train your staff to NOT TALK to ICE Agents
- Sensitive Locations Memos are tools to prevent against these actions
Sensitive Locations

Certain immigration enforcement action by immigration agents is discouraged at sensitive locations.

Based on Policy from 2011
- ICE Memo from 2011
- CBP Memo from 2013

Locations “at or near:”
- Places of worship;
- Health facilities, incl. hospitals and clinics;
- Schools;
- Funerals, weddings, and other public religious ceremonies; and
- Public demonstrations (rallies, marches).
The Memos Remain in Place, but....

Reports of immigration actions near sensitive locations raise questions about the memos

*DHS commitments that the memos remain in effect*
FAQ on DHS Implementation of the enforcement EO’s (Q26)

*Verbal commitment*

Need to pressure DHS to ensure strict compliance with memo!!!!
For individuals:

- REMAIN SILENT- Show your KYR Card!
- DO NOT SIGN any documents you do not understand
- SPEAK WITH AND BE REPRESENTED BY AN ATTORNEY
  - Police/Court: Public Defender or your own attorney at your own expense. Immigration Court: At your own expense
- REQUEST A LOCAL TELEPHONE CALL
  - Memorize phone numbers of family/friends with legal status

*Preferably someone who knows(has your Emergency Plan.
Contact your Consulate- List of consulates and phone numbers is available at detention centers.
If ICE Comes to your Door:

➢ **DO NOT OPEN THE DOOR** - You are NOT required to open the door *unless* ICE has a warrant *signed by a judge*. ASK them to show you the warrant – Slide it under your door or hold it up to the window.

If they try to force the door open: **Write down** the agents’ badge numbers and the license plate numbers of their cars.

ICE must have a warrant *signed by a judge* or permission from your employer to enter your workplace.

ICE does NOT need a warrant to search public spaces. **If you open the door to law enforcement agents, you give them your consent** to search anywhere in your home and to question anyone who is there.
Get Involved!
Illinois Coalition for Immigrant and Refugee Rights

Ways service providers can be partners in supporting and protecting immigrant communities:

• Create a safe space.

• Host a know your rights session

• Identify an immigrant rights organization and get involved!

• Educate yourself and inform your community

• DO NOT GIVE LEGAL ADVICE → Research qualified legal service providers in your area.

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What is the Family Support Network Hotline?

✓ Toll-free hotline offers help to Illinois families facing deportation.
✓ The hotline is staffed by trained volunteers who will listen to families and offer referrals to lawyers, social service agencies, pastors, and other community supporters.
✓ The hotline is staffed in English, Spanish, Polish and Korean.

1-855-HELP-MY-Family
1-855-435-7693

ACTION: REPORT ANY ICE ACTIVITY TO THE HOTLINE BECOME A COMMUNITY NAVIGATOR!
For more information please visit:

WWW.ICIRR.ORG/RISEUP

THANK YOU!!