



COVID-19 FAQ for Immigrants in Pennsylvania

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In partnership with the Penn State Center Philadelphia and faculty in the Penn State Department of Agricultural Economics, Sociology and Education

Immigration Enforcement and Applications

1. What does immigration enforcement look like during the pandemic? Is ICE currently arresting and detaining people during COVID-19? U.S. Immigration and Customs Enforcement ("ICE") announced that it will temporarily scale back immigration enforcement because of COVID-19. It will focus only on individuals who are "public safety risks" and who are subject to mandatory detention on criminal grounds.

2. Can I seek medical attention? Will ICE conduct immigration enforcement at schools, food banks or medical facilities? Yes. ICE has published a statement after the pandemic explaining that "individuals should not avoid seeking medical care because they fear civil immigration enforcement." ICE has also published a list of "sensitive locations," including medical treatment and health care facilities, where it generally will not conduct enforcement operations.

3. Can I still submit my immigration application or petition? Yes, you can still file your application or petition by mail or online.

H-2 Visa Program Updates for Food System Workers

3. I am an agricultural worker on an H-2A visa. What updates have been made to the H-2A visa program? The administration has made several changes to the H-2A program to provide more flexibility to H-2A employers. Under a new temporary rule, H-2A visa holders currently in the United States may be able to start working for a new employer once USCIS receives the H-2A petition from that employer. The new rule also allows certain H-2A workers to extend their stay in the United States beyond the three-year limitation.

4. I am a non-agricultural worker on a H-2B visa. What updates have been made to the H-2B visa program? The administration has made several changes to the H-2B program to provide more flexibility to H-2B employers. Under a new temporary rule, H-2B visa holders currently in the United States and essential to the food supply chain may be able to start working for a new employer while the employer's H-2B petition on behalf of that visa holder is pending before USCIS. The new rule also allows certain H-2B visa holders to extend their stay in the United States beyond the three-year limitation.

"Public Charge" Rule

5. What is the "Public Charge" rule? The "public charge" rule largely affects those seeking admission as a lawful permanent resident (green card). When deciding whether a noncitizen is a "public charge," the government will consider certain public benefits, such as certain housing and nutrition programs, including federally funded Medicaid, SNAP benefits (formerly known as food stamps), and Section 8 housing benefits.

In light of COVID-19, the USCIS announced that COVID-19 testing and treatment will not be considered for the "public charge" rule.

Stimulus checks are **not** considered a "public benefit" under the "public charge" rule because they are a tax credit.