



COVID-19 FAQ for Immigrants in Pennsylvania

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QUESTIONS & ANSWERS

Immigration Enforcement

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 limit immigration enforcement in light of COVID-19. It will focus only on individuals who are “public safety risks” and who are subject to mandatory detention on criminal grounds. For people who do not fall into these categories, ICE is using discretion to delay immigration enforcement.

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.”](#)

¹ The Penn State Law Center for Immigrants’ Rights Clinic created this FAQ to answer policy questions relevant to immigrants in light of the COVID-19 pandemic. The goal of this argument is to provide general information and is not meant to act as a substitute for legal advice from an attorney.

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ICE has also published a list of "[sensitive locations](#)," where it will not conduct enforcement operations. ICE will only conduct enforcement operations in sensitive locations if there are exigent circumstances, if other law enforcement actions have led officers to the sensitive location, or if prior approval was obtained.

Sensitive locations include, but are not limited to:

- **Medical treatment and health care facilities** (emergency care facilities, urgent care facilities, hospitals, doctor's offices, or health clinics);
- **Schools** (daycares, pre-schools/early learning programs, primary schools, secondary schools, colleges, universities, educated-related activities or events, school bus stops);
- **Places of worship** (churches, synagogues, mosques and temples);
- Religious or civil ceremonies (such as funerals or weddings); and
- Public demonstration (such as a march, rally or parade).

3. What does immigration enforcement look like in Philadelphia?

Philadelphia is a city of immigrants and welcomes all individuals, regardless of citizenship or immigration status.

As described in Question 1, ICE will limit immigration enforcement in light of COVID-19.

4. Where is ICE detaining people in PA?

The main immigration detention centers in Pennsylvania are:

- York County Prison
- Pike County Correctional Facility
- Clinton County Correctional Facility
- Berks County Residential Center

5. Has anyone in immigration detention in Pennsylvania tested positive for COVID-19?

Yes, 23 detainees in Pennsylvania immigration detention have tested positive for COVID-19. 22 detainees in Pike County Correctional Facility and 1 detainee in York County Prison have tested positive. There are 44 confirmed cases of ICE employees in detention facilities, but none in Pennsylvania.

According to its website, ICE is administering tests for detainees that show symptoms and following protocol provided by the Center for Disease Control and Prevention. Most detainees are tested at the detention facilities while others are sent to a local hospital for further treatment.

6. How does ICE protect detainees from COVID-19?

According to its website, ICE provides personal protective equipment, N95 masks, and soap and sanitizer to protect the staff and patients. Detainees may make medical appointments, but detainees with symptoms of COVID-19 must wear a mask to medical appointments.



According to ICE, if a detainee shows symptoms of COVID-19, ICE isolates the detainee in a single room or in a group, depending on the available space. If the detainee requires a higher level of monitoring, ICE may take the detainee to a hospital.

7. Will someone who shows symptoms of COVID-19 or tests positive be released from immigration custody?

[ICE has released over 900 higher-risk detainees after evaluating their immigration history, criminal record, potential threat to public safety, flight risk, and national security concerns.](#) ICE is applying the same method to evaluate other vulnerable people in custody and while making custody decisions for new arrestees. Additionally, [192 detainees](#) have been released as a result of court orders.

[Nearly 30,000 people remain in immigration detention in the United States.](#)

Immigration Court & Immigration Applications or Petitions

8. Are the immigration courts open?

Because of COVID-19, [some immigration courts are still open and others have temporarily closed.](#)

The Philadelphia Immigration Court (located on 900 Market Street, Suite 504) is open for filings and for detained hearings only. The York Immigration Court (located on 3400 Concord Road, Suite #2) is open.

9. I am scheduled for a hearing at immigration court. What should I do?

[According to the Executive Office of Immigration Review \("EOIR"\), all non-detained hearings scheduled through June 12, 2020 have been postponed.](#)

If you're unsure whether you have a hearing coming up...

- [You may call the automated immigration court information system: 1-800-898-7180 to get information on the next hearing date, time, and location as well as case processing information.](#) However, according to EOIR, this hotline [may not be updated](#) because of changes due to the coronavirus. To use the hotline, you will need your alien registration number which begins with the letter "A" and is followed by an 8- or 9- digit number.
- You should also check out the online webpage [EOIR Operational Status During Coronavirus Pandemic](#) for specific information about your hearing.

If your home address has recently changed...

- You should make sure that the immigration court has your new address. You can fill out a "change of address" form and mail it to the court. For more information, see [here](#).



10. I am scheduled for an interview at U.S. Citizenship and Immigration Services. What should I do?

[On March 18, 2020, the U.S. Citizenship and Immigration Services \("USCIS"\) temporarily suspended routine in-person services through at least June 3 due to COVID-19.](#) USCIS is still processing applications like visa applications, extensions of status, and applications for employment authorization which do not require interviews or other personal contact. USCIS will automatically reschedule appointments and interviews impacted by COVID-19.

[USCIS also states that it will provide emergency services for limited situations.](#) If you think you need emergency services, you can contact USCIS [here](#).

11. I have already submitted my immigration application or petition with USCIS. What happens now?

If your application is pending with USCIS, check the case status [online](#) with the receipt number that was mailed to you after you filed your application.

For pending [asylum applications](#), you can contact the asylum offices by phone, mail or e-mail. The contact information for each asylum office can be found [here](#).

To find out how long it will take for a decision to be made on your application or petition, check [here](#).

12. I have not submitted my immigration application or petition with USCIS, but I need to. What should I do?

You can still file your application or petition by [mail](#) or [online](#). If you are subject to a filing deadline, such as for asylum, you should still file your application by the deadline.

H-2 Visa Program Updates for Food System Workers

13. 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 for 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.

14. I am a non-agricultural worker on an 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 for 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 & Public Benefits

15. What is the “Public Charge” rule?

On February 24, 2020, DHS implemented a new rule that defines “public charge” as a noncitizen who has received public benefits (as defined by the rule) for more than 12 months within any 36-month period. These applicants may be inadmissible to the United States.

The public charge rule largely impacts those seeking admission as a lawful permanent resident (green card). The rule does not apply to U.S. citizens, refugees, asylees, certain T & U nonimmigrant visa holders and certain self-petitioners under the Violence Against Women Act.

When deciding whether a noncitizen is a “public charge,” USCIS and the Department of State (DOS) will consider certain public benefits. These public benefits include 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.

The chart below breaks down which public benefits USCIS will consider.

USCIS considers these benefits	USCIS does not consider these benefits
<ul style="list-style-type: none"> • Any federal, state, local cash assistance for income maintenance; • Supplemental Security Income; • Temporary Assistance for Needy Families; • Federal, State, local, or tribal cash benefit programs for income maintenance; • Supplemental Nutrition Assistance Program (formerly called Food Stamps); • Section 8 Housing Assistance; • Section 8 Project-Based Rental Assistance; • Public Housing; or • Federally funded Medicaid 	<ul style="list-style-type: none"> • Filing for unemployment; • Emergency medical assistance; • Disaster relief; • National school lunch programs; • The Special Supplemental Nutrition Program for Women, Infants, and Children; • The Children’s Health Insurance Program; • Subsidies for foster care and adoption; • Government-subsidized student and mortgage loans; • Energy assistance; • Food pantries and homeless shelters; • Head Start • Certain Medicaid benefits, including for treatment of an “emergency medical condition.”

For a full list of details on applicability and exemptions, see [here](#).



CARES Act

16. Who is eligible for a stimulus check under the CARES Act?

In response to COVID-19, Congress passed a relief package called CARES Act ("Coronavirus Aid, Relief, and Economic Security Act") to provide health and financial assistance to individuals, families and businesses affected by the pandemic.

You may receive a stimulus check if you (1) are a U.S. citizen, permanent resident or qualifying resident alien; (2) cannot be claimed as a dependent on someone else's return; (3) have a Social Security number that is valid for employment; and (4) have adjusted gross income below an amount based on your filing status and the number of your qualifying children.

You are a lawful permanent resident if you have a green card.

You are a qualifying resident alien if you are an international student or temporary worker who was physically in the United States for enough days during the year.

You will not receive a stimulus check if you do not have a Social Security number or if you filed taxes jointly with someone who does not have a Social Security number.

If you meet the requirements above, you can still get your stimulus check if you accept government benefits such as social security income or Medicaid.

17. Will accepting a stimulus check affect my application under the "public charge" rule?

No. Stimulus checks are not considered a "public benefit" under the "public charge" rule because they are a tax credit.

18. Where can I find services?

Many local or national nonprofit organizations offer benefits and services for immigrants. Here's a list of some trusted nonprofits in the Philadelphia area that can provide you with services or help you find services:

- [Community Legal Services](#)
- [Justice at Work \(Philadelphia office\)](#)
- [Pennsylvania Immigration and Citizenship Coalition](#)
- [Nationalities Service Center](#)
- [HIAS Pennsylvania](#)
- [The Sheller Center for Social Justice at Temple University Beasley School of Law](#)
- [Villanova Farmworker Legal Aid Clinic](#)
- [PhilaPOSH](#)
- [Puentes de Salud](#)



Resources

[Understanding the Impact of Key Provisions of COVID-19 Relief Bills on Immigrant Communities](#), published by the National Immigration Law Center

[Changes to Public Benefits Rules and Procedures Due to Coronavirus](#), published by Community Legal Services of Philadelphia

[Immigration in the Time of Trump](#), published by the Penn State Law Center for Immigrants' Rights Clinic

[Economic Stimulus Payments: Your Questions Answered](#), published by Community Legal Services of Philadelphia