



# **Legal Outreach**

*Working for Equal Justice in the API Community*

## **SPRING NEWSLETTER 2020 - VOLUME 1 - SPECIAL EDITION** *Supporting Immigrant Communities Amid COVID-19 Crisis*

### **KNOW YOUR RIGHTS!**

As the global pandemic magnifies pre-existing economic, social and racial inequities, API Legal Outreach remains committed to promoting social justice and empowering our communities during this challenging time. The recently passed federal legislation provides different types of economic reliefs. In this newsletter, you will find information about:

- Eligibility for State and Federal Benefits
- Stimulus Direct Payments
- How to file for Unemployment Benefit
- How to Report Anti-Asian Hate Crimes



### **CALL US FOR LEGAL ADVICE**

Although Asian Pacific Islander Legal Outreach (APILO) office is currently closed to the public due to the shelter-in-place order, we are still providing legal assistance via phone and email. If you wish to speak with an attorney for legal advice, you may call our office at **(415) 567-6255** or **(510) 251-2846**. APILO Staff will give you a call back on the same day.

### **SPEAK UP AGAINST THE RISE OF ANTI-ASIAN HATE CRIMES**

API Legal Outreach has seen a rise in Anti-Asian racism since the outbreak of COVID-19. It is important that we document these incidents in order to advocate for interventions and policies from an API and community-centered framework. If you have experienced a hate incident since the COVID-19 outbreak, please report it [here](#) so it can be tracked by the STOP AAPI Hate Reporting Center. The incident report only takes a few minutes and is available in English, Vietnamese, Chinese (Traditional and Simplified), Khmer, Korean, Japanese, and Thai.



# IMMIGRATION STATUS AND ELIGIBILITY FOR PUBLIC BENEFITS

	Undocumented Immigrants, Non-immigrant and Temporary Visa Holders	Lawful Permanent Resident (LPR) Status Refugees, Asylum Seekers, and Victims of Human Trafficking or Domestic Violence	Mixed-status Families, Undocumented parents with Citizen Children
Federal Public Benefit Programs (SNAP, SSI, TANF, regular Medicaid) Health care subsidies under the Affordable Care Act	<b>No - but may be eligible</b> for emergency Medicaid, access to treatment in hospital emergency rooms, or access to healthcare, nutrition programs under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and other benefits necessary to protect life or guarantee safety in dire situations.	<b>Limited</b> - "five-year bar" requires maintaining LPR status in the U.S. for five years and 40 quarters bypass analysis.	<b>Yes</b> if they meet eligibility requirements without penalty, but does not change their family members' eligibility for that benefits.
<b>Federal CARES Act Stimulus Check</b>	<b>No</b>	<b>Maybe. Eligibility considered on a case-by-case basis</b>	<b>No</b>
CA CalFresh & Cash Assistance Program for Immigrants (CAPI).	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>



## WHAT IS THE STIMULUS RECOVERY REBATE **DIRECT PAYMENT CHECK** & AM I QUALIFIED TO RECEIVE IT?

- **Eligibility** - Any single adult who is a U.S. citizen or a permanent resident with adjusted annual incomes up to \$75,000 is eligible for the full \$1,200 check. Married couples will receive an additional \$500 for every child ages 16 and younger.
- **How to Receive It** - No filing is required on your part. IRS will use the income and contact information in your previous years tax return. If you have the direct deposit set up with IRS, \$1,200 will be deposited into your bank account. If you do not have direct deposit, IRS will mail you a check.
- **I owe money to IRS** - You will still receive a check even if you currently owe state and federal tax debts. However, this waiver does not apply and you will not receive a relief check if you are behind on the court ordered child support.
- **I am retired and currently receiving social security** - You are still qualified to receive a \$1,200 check even if you are currently receiving social security as long as your total income, including social security benefit, does not surpass \$75,000.
- **I am an adult with disabilities and claimed as a dependent** - Unfortunately, any person over the age of 18 who is claimed as a dependent on another person's tax return is not eligible for an individual or child stimulus check.
- **I am a college student** - Unfortunately, you are not eligible if you are claimed as a dependent on your parent's tax return. Any person under the age of 24 whose parents pay for at least 50% of expenses is considered as dependent by IRS.

# FEDERAL RELIEF FOR WORKERS AFFECTED BY COVID-19 (RWACA) UNEMPLOYMENT AND DISABILITY BENEFITS. AM I ELIGIBLE?

- **RWACA** offers temporary financial assistance to (1) workers who are unemployed, unable to work or unable to find work due to COVID-19 and (2) who do not have any source of UI benefit.
- **How To Apply:** It is best to apply on-line ([https://www.edd.ca.gov/Unemployment/UI\\_Online.htm](https://www.edd.ca.gov/Unemployment/UI_Online.htm)) via California Employment Development Department (EDD). You can also call 1-866-333-4606. Both EDD website and phone line are experiencing very heavy traffic. Be Patient and Keep Trying.
- **How Fast Will I Get My Check:** Once your application gets approved, it will take at least 2-3 weeks or even longer. A delay may be due to EDD's mistaken handling of your application. Document your application process.
- **Do I have to Search for Work to Receive Unemployment Insurance (UI):** No. Searching for Work Requirement has been suspended. You do not have to search for work to receive UI.
- **How Much UI Will I Be Getting?** The COVID-19 stimulus package provides an additional \$600 to every unemployment check. However, this \$600 extra help will end on July 31, 2020, unless the Congress acts to extend it.
- **Gig-Workers & Independent Contractors & Self-Employed** (e.g. uber/lyft driver, etc): Yes, you are eligible to receive the UI under this . However, each application is reviewed on a case-by-case basis. File an application. Document your work history and hours.
- **I am a DACA recipient:** DACA recipients are eligible for UI Benefits. Public Charge does NOT apply.
- **I am a Work-Study Student Worker:** Unfortunately, Work-Study income does not count as employment and cannot receive UI. However, your school may turn unused work-study funds into supplemental grants and keep paying you. Speak with your school employer.
- **Cash-Paying Jobs with no pay-stub:** The legislation is not clear on whether you can receive UI If you had a cash-paying job and lost it due to Covid-19. Recommendation is to document your work hours and history and speak with an unemployment lawyer to discuss your situation.
- **Disability Insurance (DI) - I cannot work due to having or being exposed to COVID-19:** You may apply for DI if you are unable to work due to having or being exposed to COVID-19. A certification by a Medical Professional is required. **Apply On-Line:** [https://www.edd.ca.gov/Disability/SDI\\_Online.htm](https://www.edd.ca.gov/Disability/SDI_Online.htm)
- **ACT QUICKLY & DOCUMENT YOUR WORK and APPLICATION HISTORY:** Complete documentation will be very helpful in getting approved for unemployment and disability benefits. Make sure you document: work history, work hours, when, where, how you file for benefit. Write down the name and the contact information of the government representative you spoke with on what date and time.

**API Legal Outreach, a non-profit social justice organization, will be offering assistance to non-profit, community based organizations and small businesses in our communities who qualify for Federal Aid. Call for information.**