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### **COVID-19 Legislation: Quick Facts and Analysis for Refugees and Resettlement Offices**

Congress has passed three packages of COVID-19 related legislation to provide direct assistance to Americans (including some refugees and immigrants), employers, and the healthcare system. The first piece of legislation was passed on March 6th to support the healthcare industry's response. The second was passed on March 18th to provide free coronavirus testing and expand access to paid leave and unemployment insurance. The third was passed on March 27th to provide cash, unemployment, and nutrition assistance for individuals, small businesses, and others.

**UPDATE:** The House passed an updated HEROES Act on Thursday, October 1, 2020. The updated \$2.2 trillion legislation includes strong support for small businesses, improving the Paycheck Protection Program and delivering targeted assistance to restaurants, nonprofits, and event venues; additional assistance for airline industry workers; and more funds to bolster education and child care. The text of the revised version of The Heroes Act as introduced is [here](#). A one-pager on the legislation as introduced is [here](#). A section-by-section summary of the legislation as introduced is [here](#). Additional information on the state and local relief provisions of the legislation as introduced is [here](#).

**ATTENTION:** Social Security retirement, survivors, and disability insurance beneficiaries *with dependent children and who did not file 2018 or 2019 taxes need to submit their information through the [non-filer form](#) by Wednesday, April 22 at 12pm ET, in order to receive the \$500 payments for their eligible children this year.* If you miss the deadline, you would then be required to file a tax year 2020 tax return to obtain the additional \$500 per eligible child. For more information, please visit: <https://bit.ly/COVIDNonFiler>. The IRS has additional material available on a [special partners page](#) that can be shared with friends, family members, and community groups.

**Quick Facts Relevant for Refugees & Resettlement Offices:** (see full analysis below for further details)

- **Direct Cash Payments:** The IRS has updated their [website](#) with what you need to know. In general, adults who filed a 2019 tax return (or 2018 tax return), AND have a Social Security Number, AND have a [green card or meet IRS residency requirements](#) (or are U.S. citizens) will automatically receive up to \$1,200 in cash payments (\$2,400 for married couples) and an additional \$500 per child (16 or younger). **Non-filers [click here](#) for guidance (As of Tuesday, May 12th, the IRS Non-Filer Form has been expanded to include qualifying resident aliens).** Individuals making more than \$75,000 per year or married couples making more than \$150,000 per year will receive less than that full amount. Certain individuals who arrived in the United States in 2019 *may* qualify if they already filed a 2019 tax return or submitted a [social security statement](#) AND meet [IRS residency requirements](#). The IRS COVID-19 page is [here](#). Visit the [Get My Payment](#) portal to check on the status of your payment & submit your direct deposit information to the IRS by [noon, Wednesday, May 13th](#). Following the deadline, the IRS will mail paper checks.
- **Unemployment Insurance:** There are many expansions and programs created for people unemployed as a result of COVID-19. Each state has its own work history requirements to be eligible for unemployment insurance which may impact some refugees. More information on how to apply is [here](#). A factsheet on all the unemployment insurance provisions is [here](#) and [here](#). [Click here](#) to see what types of assistance you may qualify for. [Click here](#) for a state-by-state breakdown, and check out the U.S. Department of Labor (DOL)'s state-by-state guide [here](#). A flowchart on eligibility is [here](#) and [here](#). The NPWF landing page with more resources is [available here](#).
- **Paid Leave:** Congress expanded access to paid sick leave and expanded family and medical leave. Congress [provided](#) two weeks of **paid sick leave** at the employee's regular pay while quarantined, self-quarantined, or experiencing COVID-19 symptoms and seeking diagnosis. Congress provided an additional 10 weeks of **expanded family and medical leave** at two-thirds the employee's regular pay to care for a child whose school or child care is closed or unavailable due to COVID-19. Refugees can benefit, so long as they work for a covered employer. More information from DOL on paid leave is [here](#), [here](#), & [here](#). Additional resources are available [here](#), [here](#), [here](#), & [here](#).
- **Supplemental Nutrition Assistance (SNAP) Program:** The bill includes \$15.5 billion for projected [application increases](#), however there is no increase in benefits. Prior legislation allotted \$500 million in WIC for COVID-19-related job loss, allows child and adult care centers to operate as feeding sites and waive all meal pattern requirements if COVID-19 disrupts the food supply, allows emergency SNAP to families whose children would have received meals if COVID-19 had not closed their schools, and enabled the Department of Agriculture to issue nationwide school meal waivers, eliminating paperwork for states and increasing flexibility. [Special waivers](#) for emergency SNAP will be provided, removing all previous work and work-training requirements. Unemployment insurance counts toward SNAP.
- **Free COVID-19 Testing:** Previous legislation [provided](#) a \$1 billion health care fund for COVID-19 testing for the uninsured through the National Disaster Medical System. Anyone who is uninsured and not covered by Medicaid, the

Children's Health Insurance Program (CHIP), the Affordable Care Act (ACA) marketplace, or any other individual or group health plan is eligible for testing that will be paid for by this fund. This does not cover undocumented individuals.

- **Public Charge:** The Department of Homeland Security's USCIS [posted an alert](#) clarifying that it will not consider testing, treatment, or preventive care (including vaccines if a vaccine becomes available) related to COVID-19 in a public charge inadmissibility determination, even if the health care services are provided by Medicaid. Receipt of unemployment insurances or health care services through Medicare, CHIP, state-only-funded health programs, the federal or state marketplaces, or private insurance do not count as negative factors. Receipt of traditional, federally-funded SNAP benefits may be included in a public charge determination - but because of eligibility restrictions, few individuals who are eligible for SNAP are also subject to a public charge determination. Additional public charge resources are [available here](#) - and an [FAQ is available here](#).

## **Analysis of H.R.748 / S. 3548, the Coronavirus Aid, Relief, and Economic Security (CARES) Act**

*Signed into law March 27, 2020*

**Specific Refugee Funding:** There is \$350 million for the Bureau of Population, Refugees, and Migration (PRM) within the State Department to prevent and respond to COVID-19. PRM provides overseas assistance to refugees and initial funds for refugees resettled to the United States. We have urged PRM to use either existing funding or CARES Act supplemental funds to address refugee needs during the COVID-19 crisis, including overseas assistance and direct support for refugees in the United States who may not be able to benefit from other CARES Act provisions. As Congress considers further COVID-19 related legislation, we continue to seek additional funds for the Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) to provide cash and medical assistance, housing and rent, utilities, transportation, food, and health needs to these refugees.

**Direct Cash Payments:** This legislation provides \$1,200 in cash payments (\$2,400 for married couples), referred to as "Individual Recovery Rebates" (IRR), to adults who filed a 2019 tax return (or 2018 tax return, if you have not yet submitted your 2019 tax filing), AND have a Social Security Number (SSN), AND have a [green card or other IRS residency requirements](#) (or are U.S. citizens). *You may still have the opportunity to file your taxes for 2019 to receive the cash benefit based on your 2019 tax return. We are waiting for IRS guidance to find out more, but in the meantime urge everyone to file their 2019 tax return ASAP.* People who receive [Social Security benefits](#) but do not file tax returns are still eligible, as their checks will be based on information provided by the Social Security Administration (SSA). An additional \$500 cash payment is available per child (age 16 or younger, including children born in 2019). The full payment is available for individuals making up to \$75,000 (individual) and \$150,000 (married), in adjusted gross income. The value begins decreasing and then phases out completely for those making over the full payment income cap.

Check on the status of your cash payment and give your direct deposit information to the IRS via this [Get My Payment](#) portal by noon Wednesday, May 13th. The IRS coronavirus / COVID-19 landing page is available [here](#). More information about determining these dates to meet the residency requirement is available [here](#). A tax guide for immigrants filing a 2019 tax return is available [here](#). Please contact an attorney for helping in determining your eligibility for a cash payment.

*For individuals receiving Social Security benefits:* If you have not filed a tax return recently but do receive Social Security benefits, your rebate will be estimated based on your SSA-1099 Social Security Benefit Statement or form RRB-1099 Social Security Equivalent Benefit Statement. Click [here](#) to learn how to apply for Social Security.

*For individuals receiving Supplemental Security Income (SSI):* [SSI recipients](#) will automatically receive their cash payments directly to their bank accounts through direct deposit, Direct Express debit card, or by paper check, just as they would normally receive their SSI benefits. SSI recipients should receive these automatic payments no later than early May 2020. SSI recipients with no qualifying children do not need to take any action in order to receive their cash payment.

**However, recipients with qualifying children should use the ['Non-Filers: Enter Payment Info Here' web portal](#)** (more information below) to enter basic information so they can receive their payments as quickly as possible. The Social Security Administration will not consider cash payments as income for SSI recipients, and the payments are excluded from resources for 12 months.

**However, individuals who arrived in 2018 (and did NOT file a 2018 tax return/social security statement) or in 2019 and have NOT filed a 2019 tax return/social security statement, you may not receive a cash payment.** *We do NOT know the date by which you must have filed your 2019 tax return/social security statement in order to receive a cash payment.* [The IRS will post updates here](#). Please note there are opportunities to retroactively file your 2018 tax return so that it is back-dated (more on that, [here](#)).

**Please note that if you do NOT file a 2019 (or 2018) tax return, Social Security benefit statement, SSDI, or SSI (without a qualifying child), the IRS has provided new guidance for non-filers to receive the cash payments.**

Please [click here](#) for instructions, and [click here](#) for an accompanying explanation. The IRS will be [launching a new tool](#) in mid-April that allows you to submit your bank account information so that the cash payment can be directly deposited into your account. Direct deposit will ensure you receive your cash payment in a timely manner. *For SSI recipients who have qualifying children age 16 and younger*, go to IRS.gov and click on [the "Non-Filers: Enter Payment Info Here"](#) button. The tool will request basic information to confirm eligibility, calculate and send the Economic Impact Payments:

- Full names and Social Security numbers, including for spouse and dependents
- Mailing address
- Bank account type, account and routing numbers

Recipients will receive the \$500 per dependent child payment in addition to their individual/joint cash payment. **If SSI beneficiaries in this group do not provide their information to the IRS soon, they will have to wait until later to receive their \$500 per qualifying child.** For those SSI recipients with dependents who use Direct Express debit cards, additional information will be available soon regarding the steps to take on the IRS web site when claiming children age 16 and younger. The Social Security Administration will not consider cash payments as income for SSI recipients, and the payments are excluded from resources for 12 months.

Please note that the "principal filer" (the person filing the tax return) - and their spouse (if you file jointly) - must have SSNs to receive the cash payments. In addition, to receive the additional cash payment for a child (aka the "dependent"), the child must have an SSN. In situations where the principal filer (and/or their spouse, if filing jointly) does NOT have an SSN (e.g., an ITIN filer), then the entire family unit does NOT qualify for any cash payments (with few exceptions for military families).

The cash payments (aka stimulus checks, aka recovery rebates) will not be counted as income for the purposes of determining eligibility for means-tested public benefits programs such as Medicaid, TANF, or the Supplemental Nutrition Assistance Program (SNAP or food stamps). *However, bear in mind that unemployment insurance benefits are included in a person's adjusted gross income.*

**As of March 31st, the IRS has updated their [website](#) with what you need to know:** Highlights are copied below and more information is [available at this link](#):

- I am not typically required to file a tax return. Can I still receive my payment?
  - Yes. People who typically do not file a tax return will need to file a simple tax return to receive an economic impact payment. Low-income taxpayers, senior citizens, Social Security recipients, some veterans and individuals with disabilities who are otherwise not required to file a tax return will not owe tax.
- How can I file the tax return needed to receive my economic impact payment?
  - IRS.gov/coronavirus will soon provide information instructing people in these groups on how to file a 2019 tax return with simple, but necessary, information including their filing status, number of dependents and direct deposit bank account information.
- I have not filed my tax return for 2018 or 2019. Can I still receive an economic impact payment?
  - Yes. The IRS urges anyone with a tax filing obligation who has not yet filed a tax return for 2018 or 2019 to file as soon as they can to receive an economic impact payment. Taxpayers should include direct deposit banking information on the return.
- I need to file a tax return. How long are the economic impact payments available?
  - For those concerned about visiting a tax professional or local community organization in person to get help with a tax return, these economic impact payments will be available throughout the rest of 2020.
- Where can I get more information?
  - The IRS will post all key information on IRS.gov/coronavirus as soon as it becomes available.

**As of April 2nd, here are additional FAQs on the cash payments:**

1. Can a refugee who arrived in 2020 receive a recovery rebate? Yes - but only once they have accrued "substantial presence" in the United States (after 183 days here in 2020). However, a refugee who arrived in 2020 can NOT get the advance payment (which requires filing a 2019 return). It will just be a credit on their 2020 taxes.
2. Can a refugee who arrived in 2019 get the advance on the recovery rebate upon filing a 2019 tax return? Maybe. If a refugee accrued "substantial presence" in 2019, yes. Usually, a refugee who was resettled to the United States prior to July 3, 2019 will have acquired "substantial presence" for 2019 and may file a tax return right away

to automatically receive the advance. Under the law as it currently stands, however, refugees who arrived between July 3, 2019 and November 30, 2019 may claim the advance, but may have to follow IRS rules to invoke the "first year election" (as a resident alien) and should probably file their 2019 tax return only after they have accrued "substantial presence." (Only refugees who arrived prior to Dec 1, 2019 may invoke the first year election for 2019, and even for those a complicated formula applies to determine when substantial presence will be accrued in 2020 for purposes of invoking the "first year election" for 2019). Refugees who arrived after July 2, 2019 will have not yet acquired (as of April 2020) "substantial presence" for purposes of this rebate, and should probably wait to file 2019 taxes until we have produced clearer instructions clarifying that all refugees who were admitted in 2019 should be treated as "resident aliens" for purposes of the rebate.

3. Do asset and income limits apply to these payments? No. Because these payments are like tax rebates, they "shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds" (26 U.S. Code § 6409). This means that people with disabilities can accept these payments without putting Supplemental Security Income (SSI), Social Security, Supplemental Nutrition Assistance Program (SNAP), and other benefits at risk.

**Unemployment Insurance (UI):** This legislation provides an increase in unemployment insurance (UI) benefits,<sup>1</sup> making an additional 13 weeks of federally-funded unemployment insurance benefits immediately available (see "PEUC" below). It also expands access to UI benefits to part-time, self-employed, and gig economy workers (see "PUA" below). It mandates that states provide flexibility under UI work search requirements for individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction. States that waive the one-week waiting period to receive UI benefits will be reimbursed by the federal government for that week of benefits paid out to workers plus the administrative expenses necessary for processing those payments. UI expansion is NOT considered income for purposes of Medicaid/CHIP eligibility. However, unemployment benefits ARE counted for SNAP/food stamps.

Each state has its own work history requirements to be eligible for unemployment insurance. For your state's rules, check out DOL's state-by-state guide [here](#). A factsheet on all the unemployment insurance provisions is available [here](#). Also, receiving unemployment benefits will NOT create any risk of negative immigration consequences under the new "public charge" rule or any other law or regulation. The [Unemployment Benefits Finder](#) helps you learn how to file for Unemployment Insurance in your state. DOL's landing page on how to apply is [here](#). Here's more information on [what to do if you're unemployed](#) and on [immigrant workers' rights](#). Here is a state guide to [partial unemployment benefits](#). Here is a guide to [state UI overpayments](#).

For information on **how unemployment insurance works for students**, please click [here](#).

*On April 27, 2020, DOL released an FAQ document on UI benefits, PUA, PUC, and PEUC, [here](#).*

**Pandemic Unemployment Assistance (PUA) Program:** For individuals who are NOT able to benefit from UI and are directly affected by COVID-19, the PUA provides up to 39 weeks of benefit assistance, for people unemployed, unable to work, or partially unemployed as a result of COVID-19, or who are providing care for a family member or someone in the household directly affected by COVID-19, beginning on or after January 27, 2020 and ending on or before December 31, 2020. There is **no minimum residency requirement** to apply for PUA, so no matter when you arrived in the United States, you can seek PUA assistance, so long as you meet the requirements below. In addition to U.S. citizens, individuals with green cards, refugee or asylum status, and [others](#) will be able to apply. In response to congressional oversight, DOL shared further guidance on worker eligibility for PUA, [here](#).

People who can telework with pay and anyone receiving paid sick or paid leave benefits cannot receive PUA. PUA benefits are calculated the same way as they are for the [federal Disaster Unemployment Assistance program](#), which has a minimum benefit that is equal to one-half the state's average weekly UI benefit (about \$190 per week). Covered individuals include people who are not eligible for regular state UI, including someone who has exhausted their state UI

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<sup>1</sup> Most states [offer](#) 26 weeks of state UI benefits. Eight states offer fewer than 26 weeks of benefits: Michigan (20 weeks), Missouri (20), South Carolina (20), Arkansas (25), Florida (12 to 23 weeks depending on the unemployment rate), Georgia (12 to 20 weeks depending on the unemployment rate), North Carolina (12 to 20 weeks depending on the unemployment rate), and Kansas (16, 20, or 26 weeks depending on the unemployment rate). Two states offer more than 26 weeks: Montana (28) and Massachusetts (30, only when federal emergency benefits are not in effect).



benefits including Extended Benefits. Applicants will need to provide self-certification that they are (1) partially or fully unemployed, or (2) unable and unavailable to work because of one of the following circumstances:

- They have been diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- They are providing care for someone diagnosed with COVID-19;
- They are providing care for a child or other household member who can't attend school or work because it is closed due to COVID-19;
- They are quarantined or have been advised by a health care provider to self-quarantine;
- They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak;
- They have become the breadwinner for a household because the head of the household has died as a direct result of COVID-19;
- They had to quit their job as a direct result of COVID-19;
- Their place of employment is closed as a direct result of COVID-19; or
- They meet other criteria established by the Secretary of Labor.

or are (3) self-employed; or (4) seeking part-time employment (if state law allows for benefits for part-time workers); or (5) do not have sufficient work history to qualify for UI, or otherwise do not qualify for state UI.

### **Pandemic Unemployment Insurance Provisions: What They Mean for Access to SNAP, Medicaid, and TANF**

The CARES Act included three expansions of unemployment insurance (UI) benefits:

- **Pandemic Unemployment Assistance (PUA)** provides assistance for those unable to work due to COVID-19 who previously wouldn't have qualified for UI due to reasons such as a short work history or self-employment.
- **Pandemic Unemployment Compensation (PUC)** provides an additional \$600 per week for all UI recipients, including those receiving PUA benefits, through July 31.
- **Pandemic Emergency Unemployment Compensation (PEUC)** provides additional weeks of benefits for recipients who exhaust state benefits.

The UI expansions mean that more low-income people will be eligible and that their benefits will be at least temporarily greater and last longer. The amount, timing, and type of UI benefits that low-income individuals receive will likely affect their eligibility for SNAP (formerly food stamps), Medicaid, and TANF.

**Pandemic Emergency Unemployment Compensation (PEUC):** This legislation further enacts 13 weeks of PEUC for those who were classified as employees and who have exhausted or will exhaust state UI benefits without finding a new job. In order to receive PEUC, workers must be engaged in active work search requirements, taking into account flexibility for individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restrictions.

**Federal Pandemic Unemployment Compensation (PUC):** Individuals receiving state UI, PEUC, or PUA benefits, starting from the date this legislation is signed into law until July 31, 2020, can receive an additional \$600 per week. PUC payments are NOT income for purposes of eligibility for Medicaid and CHIP.

**Short-Time Compensation (Work Sharing):** The federal government will fully reimburse states operating STC programs, an alternative to layoffs for employers experiencing a reduction in available work, beginning on the date of bill enactment to December 31, 2020. The bill also provides grants for technical assistance to set up work sharing programs. States that set up work sharing programs after enactment of the bill will also be eligible. More information about STC programs is available [here](#) (also includes state-by-state resources).

**Assistance for Small Businesses:** The legislation also includes \$350 billion to support loans through the new Paycheck Protection Program (PPP) to provide 8 weeks of cash-flow assistance through 100% federally guaranteed loans to small employers that maintain their payroll during this emergency. If the employer maintains their payroll, then the portion of the loan used for covered payroll costs, interest on mortgage obligations, rent, and utilities would be forgiven. The size of the loans would equal 250% of an employer's average monthly payroll. The maximum loan amount would be \$10 million. This would be retroactive to February 15, 2020 to help bring workers who may have already been laid off back onto payrolls. The PPP borrower form is available [here](#). This is for:

- Small employers with 500 employees or fewer, as well as those that meet the current Small Business Administration (SBA) size standards;
- Self-employed individuals and "gig economy" individuals; and

- Certain nonprofits, including 501(c)(3) organizations and 501(c)(19) veteran organizations, and tribal business concerns with under 500 employees.

For more information about PPP, please check out Rise Together Fund's [PPP Loan Program and COVID-19 Relief Guidance](#) and [Small Business Association's Faith-based Organizations FAQ](#). **Feel free to send your questions to [SBALoans@jewishfederations.org](mailto:SBALoans@jewishfederations.org).**

This legislation also provides entrepreneurial assistance, includes small business debt relief, and ensures the Economic Injury Disaster Loans (EIDL) program is available nationwide to assist small businesses. More information on PPP and EIDL programs, as well as other ways to support small businesses, can be found [here](#) and [here](#). Additional guidance for small businesses is available [here](#) and [here](#).

One key question is: Are faith-based organizations, including houses of worship, eligible to receive SBA loans under the PPP and EIDL programs?

- Yes: Faith-based organizations are eligible to receive SBA loans regardless of whether they provide secular social services. That is, no otherwise eligible organization will be disqualified from receiving a loan because of the religious nature, religious identity, or religious speech of the organization. The CARES Act explicitly makes nonprofit entities eligible for the PPP program and it does so without regard to whether nonprofit entities provide secular social services.

Nonprofits may also be eligible for a payroll tax credit. This credit will not be available to organizations receiving a Payroll Protection loan. For more information, see: [Treasury Encourages Businesses Impacted by COVID-19 to use Employee Retention Credit](#).

A landing page for more resources by Muslim Advocates is available [here](#), with a [factsheet](#) and more [resources](#).

Additional resources for nonprofits are available below:

- [CARES Act Relief and Assistance Opportunities for Nonprofits](#), Philanthropy New York. This link provides links to webinars and resources that walk organizations through the application process.
- [A Nonprofit Analysis of the Federal CARES Act](#), Nonprofit New York
- [How Nonprofits Can Utilize the New Federal Laws Dealing with COVID-19](#), Nonprofit Quarterly
- [Loans Available for Nonprofits in the CARES Act](#), National Council on Nonprofits
- [CARES Act](#), National Council on Nonprofits
- [CARES Act: How to Apply for Nonprofit Relief Funds](#), Independent Sector
- [A simple overview from National CAPACD](#) regarding the CARES Act support for small businesses
- [Analysis of the Stimulus Package and the accompanying SBA regulations](#), by our partners at NALCAB
- [The Small Business Owner's Guide to the CARES Act](#), published by the U.S. Senate Committee on Small Business and Entrepreneurship
- [American Business Immigration Coalition COVID-19 resource page](#), one-page infographic that helps to simply explain the CARES Act
- SBA's [Small Business Guidance and Loan Resources](#) (COVID-19 relief options)
- [US Treasury Assistance for Small Businesses](#)
- [FAQs about PPP Loans \(responses from the SBA\)](#)
- [Find an eligible lender](#)
- [Borrower Application](#)
- [National ACE Resource Guide](#)
- [Businesses for Responsible Tax Reform Snap Poll](#)
- [National Association for the Self Employed Portal](#)
- [National Association of Women's Business Owners Resource Portal](#)
- [Small Business & Entrepreneurship Council Insider](#)
- [United States Hispanic Chamber of Commerce Resource Guide](#)
- [COVID-19 Employer Resource Tracker](#)
- [Small Business Loans Now Available for Your Nonprofit](#)
- [PPP Update: Liquidity Rule and Forgiveness Calculation](#)
- PPP Webinar [Slides](#) and [Recording](#)
- [SBA Updated Guidance](#) on Paycheck Protection Program Flexibility Act
- [Latest PPP Application](#) updated June 12
- [SBA's Reopened Application Form](#) for the Economic Injury Disaster Loan (EIDL) Program

**Assistance for Students:** This legislation provides billions in emergency education funding and eliminates income tax on student loan repayment assistance by an employer. A company could pay up to \$5,250 of an employee's student loan payments each year on a tax-free basis. The grants will provide emergency support to local school systems and higher education institutions to continue to provide educational services to their students and support the on-going functionality of school districts and institutions. In addition, this legislation postpones payments on federal student loans until October (without interest) and includes at least \$14.25 billion for colleges and universities, which would have to use at least half of the funding on emergency financial aid directly to students. Borrowers with those loans would not have their credit dinged for the suspended payments. Please note that the suspension of payments does not apply to private loans, federally guaranteed loans held by private lenders, nor federal Perkins loans. The deal prohibits the Education Department from garnishing the wages, tax refunds, or Social Security benefits of defaulted federal student loan borrowers through September 30th, effectively codifying and expanding a policy the Department of Education already rolled out. The legislation includes multiple waivers of laws governing federal financial aid, which are aimed at helping students whose education is disrupted due to COVID-19. The legislation gives colleges flexibility to continue paying Federal Work-Study students who are unable to attend their job because of COVID-19 precautions and response. More information is available [here](#). The Education Trust also has a presentation on "What Federal Stimulus Means for Public Education," [here](#) - with an accompanying factsheet [here](#).

- Will suspended payments count toward Public Service Loan Forgiveness (PSLF)?
  - If you have a Direct Loan, were on a qualifying repayment plan prior to the suspension, and work full-time for a qualifying employer during the suspension, then you will receive credit toward PSLF for the period of suspension as though you made on-time monthly payments.

**Child Care:** For childcare for essential workers during the coronavirus, \$3.5 billion is dedicated for funding for child care through the Child Care & Development Block Grant (CCDBG). This will provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus. It includes \$750 million for Head Start to meet emergency staffing needs.

**Investments in Healthcare:** This legislation includes more than \$150 billion for hospitals and medical facilities. It will inject \$100 billion into hospitals and healthcare systems; \$16 billion to replenish the Strategic National Stockpile supplies of pharmaceuticals, personal protective equipment, and other medical supplies that are distributed to state and local health agencies, hospitals, and other healthcare entities facing shortages during emergencies; \$4.3 billion to support federal, state and local public health agencies to prevent, prepare for, and respond to COVID-19, including for the purchase of personal protective equipment; and \$1 billion for the Defense Production Act to bolster the domestic supply of urgently needed protective gear.

**Paid Leave:** This legislation adds a provision clarifying that employees who were laid off by their employer since March 1st and have since been rehired are eligible for the paid leave provisions, as long as they previously worked at their employer for 30 days. It also allows employers and self-employed individuals to receive an advance tax credit from the Treasury Department instead of having to wait to be reimbursed for the cost of providing paid sick days and paid leave. Additional comprehensive resources are available [here](#) and [here](#).

**Supplemental Nutrition Assistance (SNAP) Program:** The bill includes \$15.5 billion to cover the [projected increase](#) in applications and the costs of relief authorized in the second COVID-19 package, [H.R. 6201](#), the Families First Coronavirus Response Act, ([SNAP provisions in H.R. 6201 detailed below](#)). However there is no increase in benefits or additional provisions for SNAP. Advocates will push for a temporary maximum benefit increase of 15% in the next package.

**Food Assistance:** The Families First Coronavirus Response Act (FFCRA) creates the Pandemic Electronic Benefit Transfer (P-EBT) program, an important opportunity to provide nutritional resources to families who are losing access to free or reduced-price school meals as schools across the country close in response to COVID-19. P-EBT provides households an EBT card with the value of the free school breakfast and lunch reimbursement rates for the days that schools are closed. Schools must close for at least five consecutive days in order for families to receive a P-EBT card. The benefit is available regardless of immigration status, to ALL children who would receive free or reduced-price meals. As of April 28th, P-EBT has now been approved in AL, AZ, CA, CT, IL, MA, MI, NC, RI and WI. The Massachusetts state website includes clarification that "the Public Charge rule does not apply to P-EBT benefits" and "using P-EBT benefits does not impact your or your child's immigration status." A factsheet with more information is available [here](#). USDA information about P-EBT is available [here](#).

**Temporary Assistance for Need Families (TANF) Program:** The bill extends block grant totals of \$16.5 billion to states for TANF programs through November 30, 2020.

**International Disaster Assistance:** This legislation provides \$258 million for USAID to respond to the extraordinary needs in other countries that are under-equipped to respond to the pandemic. The funding will prioritize populations affected by ongoing humanitarian crises, particularly displaced people, because of their heightened vulnerability, the elevated risk of severe outbreaks in camps and informal settlements, and anticipated disproportionate mortality in these populations. This legislation also adds \$95 million for operating expenses, including support for evacuations and ordered departures of overseas staff, surge support, increased technical support for remote functions, and other needs.

**Charitable Giving:** This legislation encourages contributions to congregations and charitable organizations in 2020 by allowing tax deductions of up to \$300 of cash contributions, regardless of whether individuals itemize their deductions or not (for individuals, the 50% of adjusted gross income limitation is suspended for 2020; for corporations, the 10% limitation is increased to 25% of taxable income). This legislation also increases the amount of deductions allowed for charitable contributions by individuals who itemize and corporations - and increases allowable deductions for food inventory (from 15% to 25%). More information about how this legislation provides relief to non-profits is available [here](#).

#### **Additional Resources:**

- NELP: [Immigrant Workers' Eligibility for Unemployment Insurance](#)
- NELP: [Unemployment Insurance Protections In Response To Covid-19: State Developments](#) (click [here](#) for the full state-by-state chart)
- RCUSA: [Leveraging Mutual Aid Frameworks in Support of Refugees and Asylees](#)
- [New American Economy: Immigrants Assisting in COVID-19 Response](#)
- NILC: [Understanding the Impact of Key Provisions of COVID-19 Relief Bills on Immigrant Communities](#)
- Center for Popular Democracy: [Am I Eligible? Immigration-Related Eligibility Requirements for Benefits Under New Federal Laws](#) (Also in [Spanish](#))
- The Immigrant Learning Center: [Resources for Immigrants, Parents and Educators during COVID-19 Crisis](#)
- MASA [COVID-19 Resource Document](#)
- AFL-CIO: [COVID-19 and Immigrant Workers](#)
- America's Voice: [Resources for Immigrants During the Coronavirus Pandemic](#)
- Center on Budget and Policy Priorities Factsheet: [How Much Each State Will Receive From the Coronavirus Relief Fund in the CARES Act](#)
- [Unemployment Insurance Provisions in the Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#)
- National Council of Nonprofits: [Initial Analysis of the Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\) \(S. 748\)](#)
- The National Law Center on Homelessness & Poverty published a [webpage](#) and [policy recommendations](#) outlining the critical needs of people experiencing homelessness.
- The Arc: [Fact Sheet on Stimulus Payments and People with Disabilities](#)
- Washington Post: [Calculate how much you'll get from the \\$1,200 \(or more\) coronavirus checks](#)
- NPR: [What's Inside The Senate's \\$2 Trillion Coronavirus Aid Package](#)
- The New York Times: [F.A.Q. on Stimulus Checks, Unemployment and the Coronavirus Bill](#)
- Guidance for independent contractors is [available here](#).
- [Best practices to serving students with disabilities in these new environments](#).
- [How Nonprofits Can Utilize the New Federal Laws Dealing with COVID-19 - Non Profit News | Nonprofit Quarterly](#)
- Welcoming America: [COVID-19 Resource Page](#) with a [messaging guide](#), positive stories of community goodwill, and other resources.
- Virginia Poverty Law Center's [Tenants' Rights COVID-19 Factsheet \(English and Spanish\)](#)
- [Informed Immigrant Resources For the Undocumented Community During COVID-19: Toolkit](#)
- Tim Breene, CEO of World Relief, for CNN Business Perspectives: [These taxpayers won't get stimulus checks. That's unjust](#)
- [Courting Catastrophe: How ICE is Gambling with Immigrant Lives Amid a Global Pandemic](#)
- [In-Language Resources for COVID-19](#): with collections of resources on topics including self-quarantine, tips for travelers, and public health updates in over 25 Asian and Pacific Islander languages. These collections are a crowd-sourced project by the Asian & Pacific Islander American Health Forum. [Click here](#) to add a resource.
- [COVID-19 Court Resources and Updates](#), from NCJFCJ: includes dependency and state court responses on COVID-19 and notes on impacts on court operations.



- [Racism and Xenophobia against Asian Americans and immigrants](#), from Asian Americans Advancing Justice: a tracker for stories documenting the harassment, racism, and hatred experienced by our communities during this time. Visit the website to submit a story.
- [Resources on the Response to COVID-19](#), consistently updated by NNEDV: A collection of resources for domestic violence shelters, service providers, and advocates.
- Migration Policy Institute: [Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable](#)
- National Immigration Forum: [Healthcare Sector: Immigrants are Indispensable to the U.S. Workforce](#)
- Immigration Impact: [Coronavirus Relief Package Fails to Provide Aid to Millions of Immigrants, Including Many on the Front Lines](#)
- Immigration Impact: [How the Coronavirus Is Disrupting USCIS Processing of Immigration Applications](#)
- Immigration Impact: [How Coronavirus is Changing US Asylum Policy at the Border](#)
- Refugees International: [A survey of how this global pandemic is impacting—and will continue to impact—more than 70 million refugees and internally displaced people \(IDPs\)](#)
- ACLU: [Asylum Seekers Stranded in Mexico Face a New Danger: COVID-19](#)
- Family Equality: [Special Education Rights During COVID-19 Pandemic](#)
- CBPP: [Most States Are Easing SNAP Participation Rules; Many Have Opted to Provide Added Benefits](#)
- Informed Immigrant: [DACA Updates During the Coronavirus Crisis](#)
- New American Economy: [Resource guide for state and local COVID-19 emergency responses](#)
- Vera Institute of Justice: [Coronavirus Guidance for the Criminal and Immigration Legal Systems](#)
- [CHN's COVID-19 Resource Page](#)
- [COVID-19 Recursos para Comunidades Indocumentadas](#)
- [UNHCR COVID-19 Preparedness and Response](#)
- United We Dream: [Healthcare access for Undocumented Folks in the Time of COVID19](#)
- CBPP: [Unemployed Workers Can Get SNAP During Health Emergency](#)
- Asista: [COVID-19 Practice Pointer: Filing Deadlines for RFEs, NOIDs, NOIRs and I-290Bs](#) and [accompanying landing page of resources](#)
- National Consumer Law Center: [COVID-19 & Consumer Protections](#)
- NAKASEC's CARES Act resources in [Korean](#) and [English](#)
- [Podcast on Unemployment Insurance](#)
- NELP: [Worker Safety & Health During Covid-19 Pandemic: Rights & Resources](#)
- Protecting Immigrant Families: [Immigrant Eligibility for Public Programs During COVID-19](#)
- UnidosUS: [CARES Act Briefs: Explaining the COVID-19 Relief for Latino Families](#)
- National Council on Aging: [COVID-19 Resources for Older Adults & Caregivers](#) and [COVID-19 Resources for Professionals](#)
- National Partnership for Women and Families: [Know Your Rights: Emergency Paid Sick Days and Paid Leave for Child Care and Coronavirus](#)
- CMS: [COVID-19 Migration-Related Developments](#)
- [FAQ: Immigrant Workers' Rights and COVID-19—A Resource for Workers and Their Advocates](#)
- Immigration Impact: [What You Need to Know About Public Charge and the Coronavirus](#)
- Justice for Immigrants: [COVID-19 Resource Page](#)
- [CDF's COVID-19 Resource Hub](#): Compilation of tools and resources to help families access life-saving resources and support children through this difficult time. This evolving list includes resources for families seeking assistance, information for families looking for health coverage, resources for families and children in the child welfare system, resources for immigrant families, education tools, and more.
- LAWG: [COVID-19 resources](#) page which is a compilation of our work documenting this crisis and its impacts throughout Latin America, the Caribbean, and the U.S.-Mexico border.
- Center for Migration Studies: [US Foreign-Born Essential Workers by Status and State, and the Global Pandemic](#)
- NILC: [FREQUENTLY ASKED QUESTIONS Eligibility for Assistance Based on Immigration Status](#)
- CLASP: [Unemployment Compensation: A Guide for Child Care Stakeholders During the Coronavirus Pandemic](#)
- NWLC: [Considerations for Child Care Providers & Workers Navigating Financial Support Options During the COVID-19 Crisis](#)
- NELP has developed [this toolkit](#) for workers, their advocates and allies, and policymakers to help fight back against state-level proposals by the U.S. Chamber of Commerce & ALEC that would grant corporations legal immunity for getting their workers or customers sick with COVID-19. The toolkit includes: sample talking points, sample tweets, bad employer stories, links to anti-worker immunity bills in the states, alternative model worker safety & civil liability legislative language, and other resources. To view or download the toolkit, [click here](#).

## **Analysis of H.R.6201, Families First Coronavirus Response Act**

*Signed into law on March 18, 2020*

The Families First Coronavirus Response Act, which takes effect on April 3, 2020, guarantees free COVID-19 testing, provides paid leave, and strengthens food security initiatives through additional investments in WIC, food banks, and seniors nutrition. It also makes sure that children who depend on free and reduced-priced meals have access to food during school and child care closures.

**Free Coronavirus / COVID-19 Testing:** This legislation [provides](#) a \$1 billion health care fund for COVID-19 testing for the uninsured through the National Disaster Medical System. Anyone who is uninsured and not covered by Medicaid, the Children’s Health Insurance Program (CHIP), the Affordable Care Act (ACA) marketplace, or any other individual or group health plan is eligible for testing that will be paid for by this fund. This legislation creates an optional state Medicaid program that provides COVID-19 testing (and testing only) that will be funded with 100% federal Medicaid funds. However, this will be available only to uninsured people who meet federal Medicaid’s immigrant eligibility requirements, and thus does NOT provide COVID-19 testing for immigrants who are ineligible for federal nonemergency Medicaid.<sup>2</sup> In states that elect this new optional program, eligible people can apply at Disproportionate Share Hospitals (DSHs) and federally qualified health centers (FQHCs). There will be no cost-sharing or other fees for people tested under this option. Federal funds for Medicaid will be increased by approximately \$36 billion to assist states facing higher Medicaid costs. This legislation also provides full coverage for COVID-19 testing for those who are insured. It requires coverage and eliminates cost-sharing (including copays and deductibles) for those who are covered by Medicaid, Medicare, Medicare Advantage, and private health insurance.

**Public Charge:** The Department of Homeland Security’s USCIS [posted an alert](#) clarifying that it will not consider testing, treatment, or preventive care (including vaccines if a vaccine becomes available) related to COVID-19 in a public charge inadmissibility determination, even if the health care services are provided by Medicaid. USCIS also specified that if an individual lives in a jurisdiction where social distancing is taking place or works for an employer or attends a school or university that shuts down to prevent the spread of COVID-19, the individual can submit a statement with their application about how these policies have affected factors considered in the public charge determination. Receipt of health care services through Medicare, CHIP, state-only-funded health programs, the federal or state marketplaces, or private insurance do not count as negative factors. Medicaid for emergency services, services provided to children under 21 years old, or pregnant women (including 60 days of postpartum services) are not weighed negatively in a public charge determination. The U.S. State Department’s public charge regulations specifically exempt health services for immunizations and for testing and treatment of communicable diseases, as well as emergency services and services for children and pregnant women (including 60 days of postpartum services) in the public charge determinations made by consular officials abroad. Receipt of traditional, federally-funded SNAP benefits may be included in a public charge determination - but because of eligibility restrictions, few individuals who are eligible for SNAP are also subject to a public charge determination. Additional public charge resources are available [here](#), [here](#), and [here](#).

Here is the PIF COVID-19 Resource Round-Up:

- [Quick Reference Guide](#) on Immigrant Eligibility for Public Programs During COVID-19 (Also available in [Spanish](#)). Provides a general overview of some of the federal public programs available to support individuals and families during the COVID-19 crisis under existing law, as well as recently passed legislative packages in response to the pandemic.
- [COVID-19 Relief Legislation FAQ Document](#). Includes 1) answers to some frequently asked questions about public charge implications for families who are seeking public programs during the COVID-19 crisis. and 2) answers to questions about immigrant eligibility for programs under new and existing policies.
- [Take Action Page](#). An easy way to connect with your Members of Congress and ask for a COVID relief package that ensures the health and well-being of immigrant families.
- [Social Media Toolkit](#). Includes sample Twitter and Facebook posts to let your friends, family, and colleagues know that they can help #ProtectFamilies by using our tool to ask Congress to deliver an inclusive stimulus bill.

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<sup>2</sup> Federal Medicaid eligibility is available only to certain immigrants who have had a “[qualified](#)” immigration status for five years, “humanitarian” immigrants, military/veterans and their families ([eligibility details here](#)), and, in some states, lawfully residing children and/or pregnant women ([state maps available here](#)).

- [Research Summary](#). Highlights noteworthy research, updated since the start of the COVID-19 crisis, on how the public charge changes have negatively affected immigrant families' health, emotional well-being and economic stability.
- [COVID-19 Talking Points for Immigrant Families](#). This document is intended for service providers who work with immigrant families.
- [Federal Advocacy Toolkit](#)

**Paid Leave:** The paid emergency sick leave (paid sick leave) and expanded family and medical leave (emergency paid leave) provisions in [this legislation](#) apply to certain public employers, and private employers with fewer than 500 employees. Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern. Refugees (including individuals with refugee status, green cards, and naturalized U.S. citizens) can benefit from paid leave (so long as they work for a covered employer).

This legislation provides two weeks of paid sick time at the employee's regular rate of pay while the employee is quarantined, self-quarantined, or experiencing COVID-19 symptoms and seeking diagnosis. Full-time employees are entitled to 10 days at *regular rate of pay* and part-time employees are entitled to the typical number of hours that they work in a typical two-week period.

Alternatively, it provides two weeks of paid sick time at two-thirds the employee's regular rate of pay while caring for an individual subject to quarantine or self-quarantine, caring for a child whose school or childcare provider is closed or unavailable for reasons related to COVID-19, or experiencing a substantially similar condition.

In addition, this legislation provides an additional 10 weeks of expanded family and medical leave at two-thirds the employee's regular rate of pay to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19 or to adhere to a requirement or recommendation to quarantine due to exposure to or symptoms of coronavirus. Employees must have been employed for at least 30 calendar days, however employees who were laid off by their employer since March 1st and have since been rehired are eligible

More information from DOL on paid leave is available [here](#), [here](#), and [here](#). Additional comprehensive resources are available [here](#) and [here](#).

**For more information on paid sick leave rights, please [click here](#). In general, employees of covered employers are eligible for:**

- **Paid Sick Leave:** Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- **Emergency Paid Leave:** Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- **Expanded Family & Medical Leave:** Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**SNAP:** The legislation allots \$500 million for WIC to provide nutritious foods to low-income pregnant women or mothers with young children, should they lose their jobs due to the COVID-19 emergency. The legislation allows child and adult care centers to operate as feeding sites and waive all meal pattern requirements if COVID-19 disrupts the food supply. Special waivers for SNAP emergency benefits will be provided, removing all work and work-training requirements previously part of SNAP. This legislation allows emergency SNAP assistance to families with children who would have received free or reduced-price school meals if the COVID-19 emergency had not closed their schools - and it enables the Department of Agriculture to issue nationwide school meal waivers, eliminating paperwork for states and increasing schools' flexibility.

**Unemployment Insurance:** This legislation [provides](#) a down payment of \$1 billion in federal funding to help states meet the unprecedented challenge of processing huge numbers of unemployment insurance (UI) claims resulting from the economic downturn precipitated by COVID-19. Many states have also expanded access to UI. [Click here](#) for a state-by-state breakdown. An Unemployment Insurance Policy Advocate's Toolkit with additional resources is available [here](#).

### **Analysis of H.R.6074, Coronavirus Supplemental Making Emergency Appropriations**

*Signed into law March 6, 2020*

The legislation provides \$8.3 billion in all new funding for a robust response to COVID-10, including support for state and local health agencies, vaccine and treatment development, and loans for affected small businesses to lessen the economic blow of this public health emergency.

#### **Resources for domestic violence/sexual assault programs, advocates, and survivors listed below:**

- [Safety Planning by the Hotline](#) (also available in [Spanish](#))
- [Special collection and resources by NRCDV](#)
- [Resources Compiled by NNEDV](#) (including program guidance)
- [NNEDV one pager guidance about programs](#)
- [Resources compiled by Futures Without Violence](#)
- [Blogpost from NCADV](#) (with compiled resources)
- [Responding to COVID-19: Rape Crisis Centers & Survivor Needs](#), National Alliance to End Sexual Violence

### **Freedom for Immigrants: COVID-19 Detention Hotline**

Freedom for Immigrants has launched a COVID-19 detention hotline to provide a free, unmonitored, and confidential resource to maintain communication with people in detention. Resources, including printable graphics on the hotline, are in this [toolkit](#). Here are the two sources to to report abuses and conditions in immigration detention:

1. Anyone can call our external hotline at **209-757-3733** at any time. For COVID-19 related reporting, press 3. A trained Hotline volunteer will answer the phone between the hours of 10am-2pm PST Monday through Friday. Voicemails will be returned as soon as possible. People inside immigration detention can **dial 9233** from a facility phone. From 6am-8pm PST Monday through Friday, this line will connect with trained volunteers who can respond to both COVID-19 specific concerns and general reports of abuse or requests for assistance.
2. Freedom for Immigrants also created a [survey](#) for advocates to report abuses and conditions relating to COVID-19.

Information collected through these two sources will be mapped on the Interactive [Detention Map](#), which includes a COVID-19 dashboard. They will not map any personally identifying information. The map will track: confirmed cases of COVID-19 in detention; visitation/communication barriers; lack of access to hygiene products/unsanitary conditions; inadequate medical response; reports of medical neglect; and abuses and retaliation in connection to internal organization in response to COVID-19. They are collecting information about reports of quarantines and isolation through this survey, but will not publicly report this without conducting additional vetting. The map will also track media reporting on COVID-19 in ICE detention.

### **"Reopening" Workplaces & Unemployment Insurance Protections**

*As states begin to reopen businesses, here is some information for workers who feel unsafe returning to work.*

**State Laws on Unemployment Insurance (UI):** All states have laws, regulations or agency decisions that address whether workers can collect UI if they "quit" work or were fired for misconduct. Often, health and safety issues come up in these cases, and many states will recognize that there's "**good cause**" for **quitting the job if it's clearly unsafe and the worker has made an express effort to raise the issue to address the health and safety threat**. The burden on the employee can be very high in these cases under many state laws, making it difficult to qualify for UI. If the worker is **fired for "misconduct" for refusing to go to work because it's unsafe, in those cases it can actually be more likely the worker will collect UI** because it is the employer's burden to show that the worker committed misconduct, which is generally considered an "intentional disregard of the employer's interests."



All states have provisions in their UI laws that require the worker to accept “suitable work” if they are collecting UI. That’s the direct issue we’re dealing with where people are starting to be called back to jobs that formerly did not present a health and safety threat - but now they do because of COVID-19 and because of the vulnerabilities of many workers. **All states will likely have some decisions on the books that interpret the “suitable work” law as applied to health and safety threats, but again they may be relatively restrictive.**

**Federal Law on Unemployment Insurance (UI):** There’s federal law in this area as well called the “prevailing conditions of work” rule, which all states have incorporated into their state laws. It says that **a state can’t deny UI to someone for refusing work if the “the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.”** Here, the issue is whether the health and safety “conditions of work” are sufficiently serious to pose an unreasonable threat to the worker. As the federal [guidance](#) on the issue states, the conditions of work includes “work rules, including health and safety rules” and situations where there’s been a change in the existing conditions of work, which the employee objects to.

**Pandemic Unemployment Assistance (PUA):** With regard to PUA, there are regulations that apply to the federal Disaster Unemployment Assistance program that also apply to PUA. The regulation (20 CFR 625.13((b)(2)), which is similar to many state “suitable work” laws, says: “An individual who refuses without good cause to accept a bona fide offer of reemployment in a position suitable to the individual, or to investigate or accept a referral to a position which is suitable to and available to the individual, shall not be entitled to DUA with respect to the week in which such refusal occurs or in any subsequent week in the [Disaster Assistance Period](#). For the purposes of this paragraph, a position shall not be deemed to be suitable for an individual if the circumstances present any unusual risk to the health, safety, or morals of the individual, if it is impracticable for the individual to accept the position, or if acceptance for the position would, as to the individual, be inconsistent with any labor standard in section 3304(a)(5) of the [Federal Unemployment Tax Act, 26 U.S.C. 3304\(a\)\(5\)](#), or the comparable provisions of the applicable [State law](#).”

**We are very concerned that the states will interpret this provision narrowly as a result of a recent FAQ on the issue posted by the federal Labor Department.** According to DOL’s [FAQs](#): “I was furloughed by my employer, but they have now reopened and asked me to return to my job. Can I remain on unemployment? No. As a general matter, individuals receiving regular unemployment compensation must act upon any referral to suitable employment and must accept any offer of suitable employment. Barring unusual circumstances, **a request that a furloughed employee return to his or her job very likely constitutes an offer of suitable employment that the employee must accept.** While eligibility for PUA does not turn on whether an individual is actively seeking work, it does require that the individual be unemployed, partially employed, or unable or unavailable to work due to certain circumstances that are a direct result of COVID-19 or the COVID-19 public health emergency. In the situation outlined here, an employee who had been furloughed because his or her employer has closed the place of employment would potentially be eligible for PUA while the employer remained closed, assuming the closure was a direct result of the COVID-19 public health emergency and other qualifying conditions are satisfied. However, **as soon as the business reopens and the employee is recalled for work, as in the example above, eligibility for PUA would cease unless the individual could identify some other qualifying circumstance** outlined in the CARES Act.”