

Information on COVID-19 CARES Act, Unemployment Benefits, and Public Charge

Many international students have been inquiring about COVID-19 federal CARES Act benefits like stimulus checks, unemployment insurance under (PUA), and the related public charge rule. Students are encouraged to research and consult a diversity of tax, immigration and employment law firms, state and federal departments of labor, and national immigration organizations. While the following are sample resources and accompanying quotes related to the COVID-19 CARES Act and public charge, they do not take the place of professional, competent legal and tax advice on this matter:

1. COVID19 Stimulus checks
 - a. Sprintax - Nonimmigrant Aliens: Your Guide to Navigating the COVID-19 CARES Act Stimulus Payments (<http://blog.sprintax.com/nonresident-aliens-guide-navigating-covid-19-cares-act-stimulus-payments/>)

"So, if you pass the Substantial Presence Test, and you have been in the US long enough to be considered a resident for tax purposes, it is likely that you will be entitled to receive this payment."
2. COVID19 Unemployment Benefits
 - a. NY Department of Labor Pandemic Employment Assistance (<https://www.labor.ny.gov/ui/pdfs/pua-factsheet.pdf>)

"You should apply if you are unable to work as a result of the coronavirus pandemic and any of the following apply to you:"
3. Public Charge
 - a. Congressional Research Service - Recovery Rebates and Unemployment Compensation under the CARES Act: Immigration-Related Eligibility Criteria (<https://crsreports.congress.gov/product/pdf/LSB/LSB10442>)

"DHS explained that it considers unemployment compensation an "earned benefit" not appropriate for public charge consideration"
 - b. Legal P.C. Business and Immigration Law New York City - What is the Impact of the Stimulus Bill on My Immigration Status (<https://legalservicesincorporated.com/what-is-the-impact-of-the-stimulus-bill-on-my-immigration-status-can-i-receive-a-stimulus-check-if-i-am-on-a-visa-is-there-a-public-charge-impact-to-receiving-a-stimulus-check/>)

"As the stimulus bill specifically targets residents for tax purposes and does not have any immigration carve out or exclusions, we do not believe there will be any public charge implications to receiving this benefit"

- c. Holland and Knight Attorneys at Law - Immigration Under COVID-19: Public Charge Rule (<https://www.jdsupra.com/legalnews/immigration-under-covid-19-public-25478/>)
"The Public Charge Rule considers a foreign national a public charge if he or she receives public benefits for more than 12 months in total within any 36-month period, and the receipt of two benefits in one month counts as two months."
- d. Ogletree Deakins Attorneys at Law - CARES Act: Foreign National and Immigrant Eligibility for Paid Leave, Unemployment, Benefits, and Stimulus Rebates (<https://ogletree.com/insights/cares-act-foreign-national-and-immigrant-eligibility-for-paid-leave-unemployment-benefits-and-stimulus-rebates/>)
"For the purposes of a public charge analysis, UI benefits are not considered "unearned" benefits and should not impact a foreign national's ability to extend his or her nonimmigrant status (including work authorized status such as H-1B, L-1, TN, E-3, and related dependent status) in the United States and/or adjust status to lawful permanent residence ("green card" holder)."
- e. Kolco and Casey Immigration Attorneys at Law - Unemployment Benefits are Exempt from Public Charge Ground of Inadmissibility (<https://www.kolkocasey.com/immigration-and-firm-news/unemployment-benefits-public-charge-ground-of-inadmissibility>)
"receipt of unemployment insurance is not a public benefit under the new public charge rule."