

# **Legislative Updates**

## **DuPage Federation Presentation**

by

Fred Tsao

Illinois Coalition for Immigrant and Refugee Rights

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# New state laws

## Earned income credit

- Many low-income Illinois taxpayers with children qualify for an “earned income credit” (EIC) similar to the “earned income tax credit” (EITC) available from the federal government. The rules for who is eligible for EIC have been similar to those for federal EITC.

# New state laws

## Earned income credit

- ICIRR and other organizations worked to expand EIC eligibility beyond the federal rules. In April we won EIC for
  - immigrants who pay taxes using an Individual Taxpayer Identification Number instead of a Social Security Number
  - Childless taxpayers 18-24 years old or 65 or older
- These changes take effect in 2023

# New state laws

## Earned income credit

- The state will also be issuing tax rebate checks to low- and middle-income families, including those who qualify for EIC under the new law
- We will be working over the next few years to win a child tax credit similar to what the federal government had in place throughout 2021.

# New state laws

## Health care

- ICIRR was part of the Healthy Illinois Coalition's push to extend state health coverage to all immigrants regardless of age or status
  - In 2020 the General Assembly approved coverage for immigrants **65 or older**
  - In 2021 coverage for immigrants **55 to 64** was approved
  - In April the General Assembly approved covered from immigrants **42 to 54 starting July 1, 2022**
  - Children under 18 are already covered by the AllKids program

# Immigrant Services Funding

The state funds the Immigrant Services Line Item, which provides grants funding for

- New Americans Initiative to assist with citizenship and DACA applications
- Immigrant Family Resource Program to educate immigrants regarding public benefits and helps them navigate the application process
- Immigrant Family Support Program to provide direct cash assistance for immigrant families affected by the pandemic and excluded from federal aid

# Immigrant Services Funding

In 2021 the General Assembly approved \$44 million for immigrant services (up from \$30 million) for FY 2022

- This amount includes \$30 million for direct cash assistance (up from \$20 million) through the Immigrant Family Support Program
- The Illinois Department of Human Services also allocated \$6 million in additional funding for ISLI to assist Afghan and Haitian arrivals – bringing the **ISLI total to \$50 million**, including \$32.5 million for cash assistance

# Immigrant Services Funding - 2022

For FY 2023, ICIRR asked for \$53 million for immigrant services

- This includes additional funds to allow partner organizations to increase salaries to retain trained staff
- This also includes funding to defray the cost of citizenship application fees for lower-income immigrants

The General Assembly approved \$38 million for immigrant services but also approved major increases for refugee resettlement and immigrant welcoming centers.



# New state laws

## Illinois Way Forward

- Bars local police from most collaboration and communication with ICE (unless ICE has a criminal warrant)
  - No joint operations
  - No ICE access to police facilities, equipment, or people in custody
  - No sharing of information regarding custody status of individuals
  - No direct transfers of people in custody
- Bars inquiries regarding citizenship and immigration status (so police don't have information that they can/must share with ICE)
- Ends jail contracts to hold people for immigration detention

## **New state laws**

*Violations of Illinois Way Forward?*

Please call the ICIRR Family Support Hotline:

**1-855-HELP-MY-FAMILY (855-435-7693)**

# Federal administrative actions

## Public charge

- Public charge is part of immigration law that can bar people from getting a visa or green card if the federal government believes they will rely on public support for their livelihood
- The previous administration issued a public charge rule in 2019
  - Medical, nutritional, and housing supports count
  - Quantitative standards for factors like age, income, employment history/education
  - This rule created a “chilling effect” discouraging many immigrants from seeking public benefits, even if they or their family members are eligible

# Federal administrative actions

## Public charge

- The Biden Administration undid their predecessor's public charge rule
  - This was due in large part to a court ruling in ICIRR's legal challenge
  - This move reinstated 1999 INS guidance on public charge that was much narrower than the 2019 rule
- DHS issued an Advance Notice of Proposed Rulemaking in August 2021 seeking input on how a new public charge rule should look

# Federal administrative actions

## Public charge

- DHS published a proposed rule on February 24 that closely resembles the 1999 policy:
  - Medical, nutritional, and housing benefits do not count: only cash assistance and publicly-funded long-term institutional care count
  - Only the immigrant's own actually received benefits count: benefits received by children or other household members do not count
  - No quantitative standards for factors like age or income
- Public comments were accepted through April 25
- DHS will issue a final rule sometime afterwards

# Federal administrative actions

## DACA

- Biden pledged to “preserve and fortify” DACA
- A federal judge in Texas ruled in July 2021 that the Obama Administration acted improperly in creating DACA
  - No new applications
  - People with DACA can still renew
- DHS has issued proposed regulations to write DACA into law; not clear when a final rule will be issued

**Thank you**

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twitter.com/icirr

ftsao@icirr.org