

A JUST RECOVERY REQUIRES STATE LAWMAKERS INCLUDE IMMIGRANTS

Washington state policymakers must invest in immigrant communities that are excluded from federal relief and state benefit programs

Overview

No matter who we are or where we come from, we all deserve the opportunity to thrive. When people fall on hard times, they shouldn't go without food on the table or a roof over their heads – and in the midst of a pandemic and economic crisis, it's especially important that all of us have the ability to meet our basic needs.

Yet even before the COVID-19 pandemic began, immigrant people and families faced disproportionate barriers to, and targeted exclusion from, safety net programs designed to support people to stay healthy and meet their basic needs. Beyond these exclusions, fear and confusion about harmful consequences for immigration status undermine immigrants' ability to connect with vital services. This is the result of policy choices rooted in anti-immigrant prejudice about who is “deserving” of public assistance and part of a legacy of xenophobia and racism embedded in our public institutions.¹

Now, as the pandemic fuels ongoing economic disaster, the exclusion of many immigrants from existing state benefit programs like unemployment insurance *and* federal COVID-19 relief has exacerbated the harms of the crisis for undocumented people and their families throughout Washington state. Even as immigrant workers

NOTE:

This brief is focused on the economy and does not elaborate on the ways in which our systems leave immigrant communities, Black, Indigenous, and people of color across Washington state more exposed to and less protected from the most devastating health consequences of COVID-19. These communities are enduring untold losses during the pandemic, which are not confined to the economic hardships documented here. They are also working in innovative ways to meet community needs and resist the racism and xenophobia undergirding the disproportionate impacts of the pandemic.

help sustain critical sectors of the economy,² many of them have been left to navigate the pandemic without a lifeline. This has cascading impacts for the hundreds of thousands of children and other family members of undocumented workers, and for our communities overall.

In the face of this, immigrant workers, families, and communities across our state are organizing to resist. A coalition of community leaders advocated for and won the Washington Immigrant Relief Fund,

an emergency cash assistance program to address undocumented people's urgent needs. The fund has provided more than 60,000 people with one-time emergency assistance to pay critical expenses. But another 20,000 eligible applicants were turned away as the fund ran out. The coalition continues to demand further action to address the ongoing community need wrought by the economic devastation of the pandemic. State lawmakers must make deeper investment and pursue permanent policy fixes in order to ensure that immigrants are not shut out of our state's recovery.

Immigrants make vital contributions to our economic & community well-being

More than 1.1 million people living in Washington state – about one in every seven residents – are immigrants.³ Of them, over 270,000 are undocumented.⁴ Another 170,000 citizens in Washington state – including 130,000 children – live with an undocumented parent or other family member.⁵ The vitality and resiliency of our cities and towns are greater because of the many contributions of our immigrant community members.

As working people, small business owners, and consumers, immigrants also help drive Washington's economic engine. Immigrants are just under 18% of Washington's workforce overall, and 23% of people employed in frontline industries.⁶ Fully half of

Washington's agricultural, forestry, and fishing workers; more than one third of building cleaning workers; and more than one quarter of trucking, warehouse, and postal workers are immigrants. While growing food, cleaning public spaces, delivering goods, and caring for people who are sick has always been essential, the pandemic has made clear that our collective health and well-being relies on the contributions of immigrants. Immigrants are also more likely to start a business than their U.S.-born counterparts.⁷ As of 2018, 73,000 immigrant entrepreneurs in Washington state (including more than 17,000 undocumented people) employed more than 228,000 Washingtonians.⁸

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Immigrants are also taxpayers, with undocumented people paying over \$300 million in state and local taxes in Washington every year. That includes paying sales tax when making purchases and paying property taxes as

DIANA

“We are not asking for anything that we have not earned”

In April 2020, Diana was one of three powerful OneAmerica leaders who raised her voice to testify before the Seattle City Council to advocate for equitable pandemic relief. Diana's family was hit hard by COVID-19 – her husband lost his job in construction, and they had no unemployment to fall back on. Her housekeeping work was gone, and her three children needed round-the-clock child care as they shifted to virtual school. She said:

“We are a family that has always contributed to this country with hard work and by paying our taxes. We are not asking for anything that we have not earned, because the relief funds are part of our hard days of work from dawn to dusk without fair pay, vacations, or medical benefits.”

“They tell us, ‘You live in the shadows,’ but when they have hot meals in their house, it was the hands of our agricultural workers who harvested it. When we take care of their children, when we clean their houses, when we build their buildings, this is not work in the shadows. But what happens when we need relief and help – simply being treated in a just and dignified way? That's when we are ‘in the shadows!’”

homeowners, renters, and small business owners.⁹ As a consequence of our state’s inequitable tax code – in which people with the lowest incomes pay up to six times more in taxes as a share of their incomes than the wealthiest – Washington has the highest tax rate on undocumented immigrants of any state.^{10, 11}

In addition to state and local taxes, the labor of undocumented workers in Washington state has resulted in nearly \$400 million in contributions to the state and federal unemployment trust fund over the past ten years.¹² These trust funds are the source of unemployment payments to Washington workers, and the size of undocumented workers’ contribution amplifies the injustice of their exclusion from this critical benefit.

Immigrants – especially those who are undocumented – are systematically excluded from public benefit programs

Despite their significant contributions, many immigrants remain excluded from the basic cash, food, housing, and health benefits that other people can access when they’ve lost a job or are struggling to make ends meet. Public benefit programs are playing an increasingly vital role in supporting eligible people and families to remain safe, healthy, and meet their basic needs in the midst

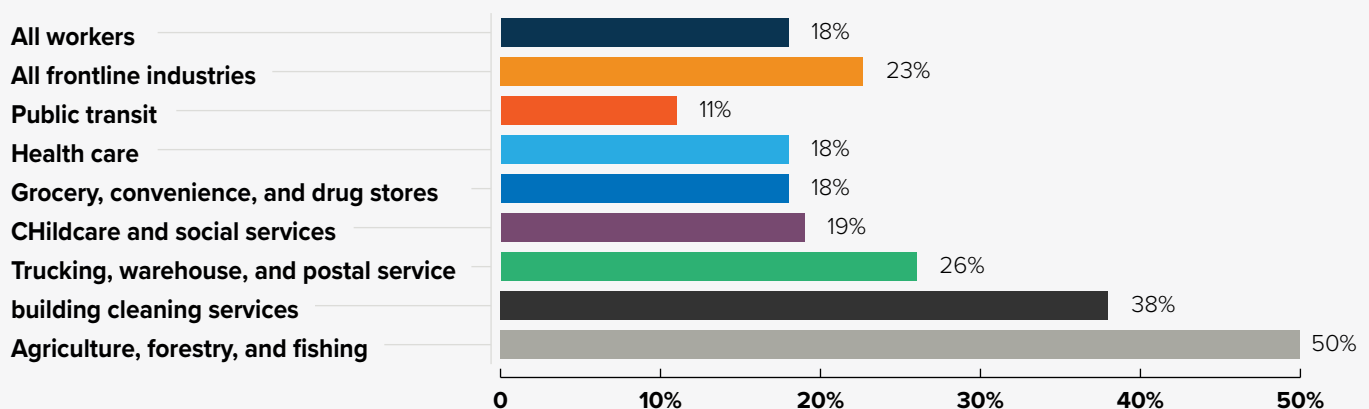
of the COVID-19 crisis. Programs that provide income support – like unemployment insurance – put money in people’s pockets to meet urgent expenses and generate benefits to our economy overall by helping to sustain consumer demand. But immigrant communities are largely alienated from these critical supports, facing the following barriers:

- ▶ First, undocumented workers – as well as some Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) recipients – are barred from accessing wage replacement through unemployment insurance (UI), which requires that applicants have a Social Security number and valid work authorization.¹³
- ▶ Second, immigrants are prohibited from accessing nearly all of our nation’s federally-funded public benefit programs (including the Supplemental Nutrition Assistance Program [SNAP], Temporary Assistance for Needy Families [TANF], and non-emergency Medicaid) until they have lived in the U.S. with lawful status for at least five years. Those with DACA, TPS, temporary visas, or who are undocumented are barred outright. (See Table 1.) Even when immigrants are technically eligible for these benefits, application processes can be onerous and confusing – especially when information is limited in languages other than English.

Chart 1

Immigrant workers are overrepresented in Washington state’s frontline industries

Foreign born Washington state workers as a share of the workforce overall and as a share of frontline industries



Source: Center on Economic and Policy Research analysis of American Community Survey, 2014-2018 5-Year Estimates.

JUAN

“I’ve been working this whole time, but my boss hasn’t paid me since last month”

“I work as a server and bartender, so I get paid just minimum wage and I depend on tips. I’m still working 18 or so hours per week, but I used to work more like 32 hours. Right now, the restaurant is only open for to-go orders, and not a lot of people are taking care of us in their tips like they used to. But I’m still working a few hours a week – my roommates haven’t been able to work at all. And none of us received anything from the government because of our immigration status.

I’ve been working this whole time, but my boss hasn’t paid me since last month. He told me today that I’m going to get a check this week. But for almost a month, I haven’t seen any income. I’m really worried about my situation. If I don’t get any unemployment benefits from the state, we’re going to be in deep trouble. I’m really behind on my cell phone, my electricity bill, my cable, and my other expenses.

I’ve been in this country since 1997. I have two daughters here, one is 20 years old and the youngest is 17. I support my parents, too. It’s upsetting that we don’t get treated the same way, when we get charged the same way. In my pay stub, it shows how much tax I pay each paycheck, just like anyone else. If I go to the store and buy something, I pay taxes like anyone else. But why, when we talk about benefits, why don’t I get any benefits? It makes me upset.”

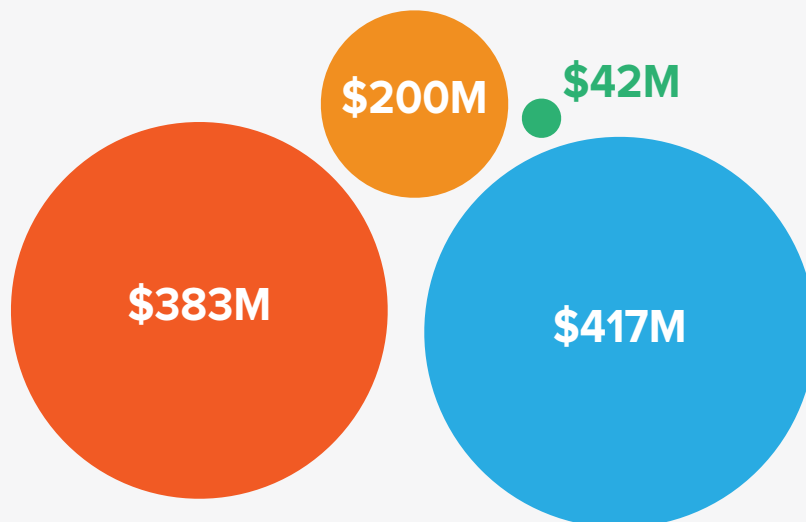
- ▶ Third, even when state leaders choose to create their own programs, using their own funds, to supplement federally-funded benefits for some immigrants, undocumented people remain largely excluded. And what’s more, these programs frequently furnish a lower level of support. Immigrants who receive Washington’s state-funded Food Assistance Program, for example, are excluded from the education and training support that SNAP beneficiaries receive.
- ▶ Finally, the Trump administration’s changes to the public charge rule – a component of federal immigration policy that makes some immigrants who receive the limited public benefits for which they qualify potentially ineligible for permanent residency – have created widespread fear, deterring even U.S. citizens from accessing assistance out of concern that doing so could endanger their non-citizen family members. It is unjust and dangerous to force immigrants to choose between permanent legal status and the ability to meet basic needs. This is especially true during a pandemic, when the public charge rule has made some immigrants fearful of accessing medical treatment for COVID-19 – even despite assurance from United States Citizenship and Immigration Services that such care will not affect its determinations.¹⁴

Immigrant communities are unjustly experiencing the deepest economic harms of COVID-19

Exclusions in federal relief legislation mean that undocumented people and mixed status families in Washington state didn’t receive the first round of stimulus payments from last spring’s Coronavirus Aid, Relief, and Economic Security (CARES) Act. Undocumented immigrants were again denied the second stimulus payments enacted in December. Throughout all rounds of federal relief efforts thus far, undocumented workers who have lost jobs during the pandemic have been excluded from the series of expansions to unemployment insurance that have helped hundreds of thousands of Washington workers stave off homelessness, hunger, and otherwise mitigate the destabilizing impacts of sudden layoffs and heightened economic insecurity. Without access to regular UI and the pandemic-related expansions, undocumented workers have been denied the protections their U.S.-born counterparts have had to stay safe at home and put food on the table while work is scarce and it remains largely unsafe to search for new in-person employment.

Washington immigrants are wrongly excluded from approximately \$1 billion in state and federal cash assistance

- **State unemployment benefits**
Average \$447 per week
- **Enhanced unemployment benefits**
\$600 per week and \$300 per week boosts
- **Stimulus payments for kids**
\$500 one-time
- **Stimulus payments**
1,200 one-time; \$600 one-time



Source: Washington State Budget & Policy Center estimates based on Migration Policy Institute and Institute on Taxation and Economic Policy analysis of undocumented and mixed status families ineligible for stimulus payments and undocumented labor force participation. See endnotes for further description of methodology.

The cumulative impact of these exclusions is an estimated more than \$1 billion in missing cash assistance – money that otherwise would be helping immigrant households in Washington state pay for necessities and flowing through our local economies.¹⁵ Immigrants have been excluded from noncash COVID-19 relief as well, including emergency allotments that raise SNAP recipients’ benefits to the maximum amount for their household size.

While state COVID-19 unemployment and other hardship data fail to track immigration status, all available evidence indicates that the pandemic has caused particular, deadly harm to immigrant communities. At the same time immigrant workers are overrepresented in frontline industries where in-person work has continued (and where wage theft and labor abuses proliferate¹⁶), it is also true that immigrants have suffered steeper job losses than their U.S.-born counterparts.¹⁷ This is due, in part, to the fact that immigrants are more likely to be employed in sectors deemed “essential” and in occupations that have been highly vulnerable to the pandemic – such as those in the restaurants, hotels, and construction.¹⁸ In October 2020, the national immigrant unemployment rate was 7.6% – more than a full percentage point higher than that of U.S.-born workers. That gap was even higher among women: at 9.1%, unemployment among immigrant women was three percentage points higher than unemployment among U.S.-born women.¹⁹

Immigrant small businesses have experienced dramatic financial shocks during the crisis, too. Undocumented entrepreneurs have been denied federal assistance through the Paycheck Protection Program to help keep their doors open. This has deepened food and housing insecurity among many immigrant families, who entered the pandemic already experiencing hardship²⁰ – in part because of their exclusion from public benefit programs.

State lawmakers must take action on multiple fronts to support immigrants’ well-being

Washington state will not see an effective recovery from the COVID-19 economic crisis without action from state leaders to invest in immigrant communities. Including immigrants in our recovery strategy will require policymakers to take a series of actions that respond to the many gaps – and targeted exclusions – that deny immigrants access to public benefits and make it harder to meet basic needs. Policymakers must act quickly to:

- ▶ **Increase investment in Washington Immigrant Relief Fund:** Governor Inslee’s initial investment in this fund connected undocumented people with one-time direct cash assistance to cover emergency expenses. But the fund ended in December 2020, with significant unmet need among immigrant

NORMA

“We are not ghosts, we are human beings.”

“My family is me and my son. He’s in school – well, he does school at home these days. I’m a cook at a restaurant. But I’m unemployed right now and my immigration status does not allow me to apply for unemployment benefits. After the rent, the biggest bill I have is the cell phone bill, to make sure we don’t lose communication with our family. Together that’s about \$2000 a month I need.

I’ve talked to people so many times about my situation, and I’m tired. I’ve looked for help from so many places, but I don’t have many answers. I feel really frustrated. With this pandemic, most individuals got \$1,200, couples got \$2,400, and most people get unemployment. But what about immigrants?

There are so many people – many of our neighbors, families, co-workers, relatives – who have no social security number. Out of fear, those of us who don’t have a social security number, we don’t ask for help—but we pay taxes, those are taken out of every single check we receive from our boss. What is the place we work and live? It’s here in this country. We are not ghosts, we are human beings.”

communities across our state. State leaders must increase investment in the fund to ensure that all eligible people who applied are able to get the benefit, provide a second payment to all applicants to match the second federal stimulus payment, and cover the administrative costs to community-based organizations that have implemented this program.

- ▶ **Establish a state income support system accessible to undocumented and other excluded workers:** Unemployment insurance (UI) and enhanced unemployment benefits authorized by the CARES Act have allowed eligible workers peace of mind and the ability to pay rent, buy food, and seek the care they need in the wake of the crisis. Lawmakers must create a state program to extend income support to undocumented and other immigrants excluded from UI. While one-time assistance importantly helps families cover emergency expenses, weekly benefits are necessary to allow undocumented people who have lost their jobs a reliable income source.
- ▶ **Enact an updated Working Families Tax Credit:** State lawmakers should invest in a permanent Working Families Tax Credit, our state’s version of the highly successful federal Earned Income Tax Credit program. It must include immigrants who file taxes with an Individual Taxpayer Identification Number (ITIN).

- ▶ **Increase Food Assistance Program (FAP) benefits:** Recipients of federally funded SNAP benefits have been eligible for emergency allotments since March 2020, and are now eligible for a 15% increase authorized through the latest federal relief package. Immigrant families receiving state-funded FAP benefits, however, have been excluded from these increases. State lawmakers must increase funding to FAP in order to establish parity with SNAP recipients.
- ▶ **Reject cuts to state programs critical to immigrant health and well-being:** Eliminating or reducing health coverage, cash, or food assistance for immigrants in the midst of the COVID-19 crisis would weaken public health, increase poverty, and further entrench racial inequity. Lawmakers can’t repeat the mistakes they made in the Great Recession, when policymakers enacted deep cuts to many public benefit programs – and programs that serve some immigrants were especially vulnerable. Instead, they must reject a knee-jerk cuts approach and instead raise progressive revenue to equitably invest in programs that support all people’s health and well-being.

Table 1

Restrictive eligibility criteria bar many immigrants from income support, food, health, and housing assistance

Immigrant eligibility for most major federal and Washington state public benefit programs

Program	Description	Immigrant eligibility
Unemployment Insurance (UI)	Partial wage replacement for workers who have lost their jobs through no fault of their own and are looking for work	Immigrants must have valid work authorization when they apply for UI, throughout the period they receive UI, and during the base period used to determine whether applicants have previously earned enough wages to qualify. Undocumented people not eligible.
Medicaid (called Apple Health in Washington state) ¹	Public health insurance for low-income people	Many Legal Permanent Residents are prohibited from accessing until they've lived in the U.S. with lawful status for at least five years. ² Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and temporary visa holders and undocumented people not eligible.
Children's Health Insurance Program (CHIP; called Apple Health for Kids in Washington state)	Public health insurance for children in families with low-moderate incomes, whose incomes are too high to qualify for Medicaid	
Supplemental Security Income (SSI) [^]	Cash assistance for low-income adults 65 and older and people with disabilities	
Temporary Assistance for Needy Families (TANF) [^]	Cash assistance and work supports for low-income families with children	
Supplemental Nutrition Assistance Program (SNAP; called Basic Food in Washington state) [^]	Food assistance for low-income individuals and families	

Program	Description	Immigrant eligibility
Aged, Blind, and Disabled (ABD) ^{^*}	Cash assistance for low-income adults 65 and older and people with disabilities likely to qualify for SSI	Legal Permanent Residents, DACA, TPS holders eligible. Undocumented people not eligible.
Housing & Essential Needs (HEN) [*]	Rental assistance and supportive services for low-income adults 65 and older and people with disabilities	
State Family Assistance (SFA) ^{^*}	Cash assistance and work supports for low-income families with children whose immigration status makes them ineligible for TANF	
Food Assistance Program (FAP) [*]	Food assistance for low-income individuals and families whose immigration status makes them ineligible for SNAP	
Children's Health Program (CHP) [*]	Public health insurance for low-income children whose immigration status makes them ineligible for Medicaid	Undocumented children and pregnant individuals are eligible.
Disaster Cash Assistance Program (DCAP) ^{*3}	One-time emergency cash assistance for low-income people who are not eligible for other forms of assistance. Only available when activated by the Governor.	Undocumented people are eligible, with some restrictions. ⁴

[^] Triggers public charge.

^{*} State-only funded program

¹ Undocumented adults and others who have not met the five-year bar are eligible for Alien emergency medical (AEM), which provides coverage for individuals who have a qualifying medical condition, including emergency room care, inpatient hospital admission, or outpatient hospital surgery.

² Refugees, asylees, and other immigrants exempt on humanitarian grounds are eligible, and not subjected to the five-year bar. Restrictions vary for the SSI program and some Legal Permanent Residents (LPRs) are not eligible even after five years. Moreover, some LPRs who do qualify (because they entered as refugees or asylees) are eligible only for seven years unless they naturalize.

³ While DCAP does not trigger public charge, applicants are screened for and may be directed to other cash assistance programs, which could be viewed as a negative factor in public charge considerations.

⁴ Undocumented people are only eligible for DCAP if they and their children are not eligible for other forms of assistance. Undocumented parents with U.S. citizen children whose children are eligible for TANF, for example, are not eligible for DCAP

Note: This table is not exhaustive, but intends to document most major federal and state public benefit programs

Endnotes

- 1 See for example: Joe Soss et al, "Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race," 2011; Ron Haskins, "Limiting Welfare Benefits for Noncitizens: Emergence of Compromises," 2009; Priya Kandaswamy, "Making state, making family: Race, gender and the politics of family values in the personal responsibility and work opportunity reconciliation act of 1996," 2006.
- 2 Center on Economic and Policy Research analysis of American Community Survey, 2014-2018 5-Year Estimates.
- 3 New American Economy, "Immigrants and the economy in Washington," <https://www.newamericaneconomy.org/locations/washington/>. Data from 2018.
- 4 Center for Migration Studies, "State-Level Unauthorized Population and Eligible-to-Naturalize Estimates," <http://data.cmsny.org/>. Data from 2018. Estimates of the number of undocumented immigrants in Washington state differ based on methodology and in time period.
- 5 American Immigration Council, "Fact sheet: immigrants in Washington," August 2020, <https://www.americanimmigrationcouncil.org/research/immigrants-in-washington>. Data from 2018.
- 6 Center on Economic and Policy Research (CEPR) analysis of American Community Survey, 2014-2018 5-Year Estimates. CEPR has identified seven industries as "frontline," including health care; grocery, convenience, and drug stores; child care and social services; agriculture; public transit; trucking, warehouse, and postal services; and building cleaning services. This does not exactly match workers who have been [declared essential in Washington state](#); however, this analysis does estimate the significant number of workers at greater risk of contracting COVID-19 and offers an initial demographic profile.
- 7 Dane Stangler and Jason Wiens, "The Economic Case for Welcoming Immigrant Entrepreneurs," 2014, <https://www.kauffman.org/resources/entrepreneurship-policy-digest/the-economic-case-for-welcoming-immigrant-entrepreneurs/>.
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- 9 Institute on Taxation and Economic Policy (ITEP), "Undocumented immigrants' state and local tax contributions," March 2017, <https://itep.sfo2.digitaloceanspaces.com/immigration2017.pdf>.
- 10 Ibid.
- 11 ITEP, "[Who Pays? A distributional analysis of the tax systems in all 50 states.](#)" 2018.
- 12 ITEP and Migration Policy Institute analysis of American Community Survey, Survey of Income and Program Participation data, and U.S. Department of Labor State Unemployment Insurance Tax Measures Reports for 2010-2019 data. See page 5: <https://fiscalpolicy.org/wp-content/uploads/2020/05/UI-taxes-and-undocumented-workers.pdf>.
- 13 Rebecca Smith, "Immigrant workers' eligibility for unemployment insurance," National Employment Law Project, March 2020, <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/>.
- 14 Protecting Immigrant Families, "Trump's Public Charge Regulation is Hurting Families Now," April 2020, <https://protectingimmigrantfamilies.org/wp-content/uploads/2020/04/DocumentingHarm-update-2020-04-27.pdf>.
- 15 Washington State Budget & Policy Center estimates based on Migration Policy Institute and ITEP analysis of undocumented and mixed status families ineligible for stimulus payments and undocumented labor force participation. State unemployment benefits are calculated at the 2020 average benefit level (\$447/week) for a period of 63 weeks (reflecting the standard 26 weeks available plus the 13 weeks of Extended Benefits and 24 weeks of Pandemic Emergency Unemployment Compensation) and federal boosts are calculated for a period of 16 weeks at the \$600 level and 17 weeks at the \$300 level (reflecting the CARES Act, Lost Wage Assistance, and December relief packages). We estimate an unemployment rate of 9.5% among undocumented workers, the average Washington state unemployment rate (seasonally adjusted) from March-November 2020. Note that this is an approximation as there is not a direct measure of unemployment among undocumented immigrants. Undocumented people disproportionately work in industries hit hardest by the COVID-19 pandemic such as restaurants and hospitality, so their unemployment rate may be higher than that of the general Washington state population.
- 16 Janice Fine et al., "Maintaining effective U.S. labor standards enforcement through the coronavirus recession," September 2020, <https://smlr.rutgers.edu/news/study-wage-theft-runs-rampant-during-recessions>; <https://www.seattletimes.com/seattle-news/farm-company-fined-2-million-after-2-workers-die-of-virus/>; <https://crosscut.com/focus/2020/09/migrant-workers-leave-wa-farms-risking-poverty-instead-coronavirus>.
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- 18 Nicole Prchal Svajlenka, "Protecting undocumented workers on the pandemic's frontlines," Center for American Progress, December 2020, <https://www.americanprogress.org/issues/immigration/reports/2020/12/02/493307/protecting-undocumented-workers-pandemics-front-lines/>. Undocumented workers are an estimated 4.4% of the U.S. workforce overall, but 23% of construction laborers, 22% of maids and housekeeping cleaners, and 14% of cooks
- 19 Migration Policy Institute, "U.S. Unemployment Trends by Nativity, Gender, Industry, & More, Before and During Pandemic" <https://www.migrationpolicy.org/programs/migration-data-hub/us-unemployment-trends-during-pandemic>.
- 20 Urban Institute, "Immigrant Families Hit Hard by the Pandemic May be Afraid to Receive the Help They Need," May 2020, <https://www.urban.org/urban-wire/immigrant-families-hit-hard-pandemic-may-be-afraid-receive-help-they-need>.

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