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May 22, 2020

Hon. Mark Cusack, House Chair
Joint Committee on Revenue
State House, Room 34
Boston, MA 02133

Hon. Adam Hinds, Senate Chair
Joint Committee on Revenue
State House, Room 109-E
Boston, MA 02133

Re: An Act to Provide Equal Stimulus Checks to Immigrant Taxpayers: Senate 2659 and House 4726

Dear Representative Cusack, Senator Hinds and Members of the Committee:

Thank you for the opportunity to submit testimony on behalf of the many immigrants and their families who were left out of the CARES COVID-19 relief.

Based in Cambridge, Massachusetts, the Harvard Immigration & Refugee Clinical Program (“HIRC”) is one of the oldest clinical programs in the country that focuses on the advancement of immigrants’ rights while teaching students important lawyering skills. HIRC includes two distinct clinics: (1) the Immigration & Refugee Advocacy Clinic, which represents clients seeking humanitarian protections in a range of different fora, including administrative tribunals and federal appellate courts and (2) the Crimmigration Clinic, which focuses on the growing intersection of criminal law and immigration law.

HIRC offers a unique holistic model of representation to clients that embeds social services within legal representation, giving us keen insight into how the daily necessities of food, shelter, and medical care can impact our clients’ lives and the outcomes of their legal cases. HIRC’s social work team provides critical therapeutic support for often-traumatized clients and connects clients with resources for medical, educational, and vocational (or otherwise financial) support, including through public benefit advocacy, helping families thrive in the local community.

While the Federal CARES Act provides critical support to many Americans, it excludes workers without Social Security Numbers (SSNs), and even entire mixed-status families, including families with U.S. citizen children, where any member filed tax returns using an ITIN (Individual Taxpayer Identification Number), rather than an SSN. These individuals and families, many of whom are also ineligible for Unemployment Insurance, pay the same share of income taxes as those with SSNs and deserve the same assistance.

Since its founding in 1984, HIRC has worked with thousands of immigrants and refugees, the majority of whom live and work in Massachusetts. Unfortunately, some HIRC clients, including many asylum applicants and others seeking humanitarian protection in the United States, are ineligible for SSNs and instead use ITIN numbers in order to file state and federal taxes. These clients are sometimes forced to wait until the completion of their immigration proceedings (or even longer) to apply for an SSN. This is particularly troubling given the large and growing backlog of over one million cases in immigration court. At the Boston Immigration Court, for example, is not uncommon for there to be a delay of two years or more between hearings. We raise this point to help illustrate how common it can be for any given individual within an immigrant family to lack a SSN, while awaiting a resolution of their immigration case. Our organization thus supports this bill, which would provide equal stimulus checks to the affected families and individuals. Denying them this payment is particularly cruel at a time when many desperately need economic support.

Please consider the circumstances of just a few of the families represented by our clinic who have been excluded from relief so far. For example, one clinic client has resided and worked in Massachusetts for over a decade; she raised and supported her U.S. citizen children, all the while rising through the ranks to become a manager at her place of work—until the COVID-19 pandemic eliminated her hours. Her spouse—an asylum applicant who fled to the U.S. after being kidnapped, threatened with death and experiencing the murder of close family member—also lost work amidst the pandemic. Both filed taxes using an ITIN. The couple reached out to us to ask about food and housing support. Because of their taxpayer status, neither can apply for unemployment insurance or Pandemic Unemployment Assistance (PUA), and neither received stimulus money. They had enough saved to cover one month's expenses and were subsisting on food that they had received from a local mutual aid, which they indicated would last through the end of the month. They expressed great fear that they would not be able to secure food for their children or cover other living expenses when their savings and the mutual aid support ran out. A stimulus payment would help allay those fears.

Another affected clinic client with a young U.S. citizen child obtained an SSN after she was granted asylum but is ineligible for Unemployment Insurance because she unable to find work due to extreme delays by USCIS in producing her Employment Authorization Document. Her spouse, who was laid off not long before the pandemic began, had paid taxes with an ITIN. Neither has been able to find work since the pandemic started. The family remains in a

prolonged economic crisis, but has nonetheless been shut out of pandemic economic relief.

The financial support available through this Act is critical to many immigrants, including HIRC clients, who have remained working through the COVID-19 crisis as ‘essential workers’ in grocery stores, restaurants, health services, and child care. Despite that designation, the federal government has excluded many of these families from basic support and protection at the time they need it most.

We thus support Massachusetts taking comprehensive steps to remedy this situation, and thus respectfully request that this Committee further equality by issuing a prompt and favorable report for Senate 2659 and House 4726. Thank you very much for your consideration.

Sincerely,

Harvard Immigration & Refugee Clinical Program