



# How Federal COVID-19 Relief Funding Can Support Immigrant Communities

September 2021

The American Rescue Plan (ARP) Act allocated \$1.9 trillion in federal funds to alleviate the COVID-19 pandemic's harms and create stronger, healthier communities.<sup>1</sup> The relief money is intended to aid recovery and stability and assist households, businesses, and organizations disproportionately affected by the pandemic. This includes immigrant communities.

One way these funds can help ensure safety and health for immigrant communities during the pandemic? By funding immigrant legal services, including deportation defense programs. Investing in legal services and representation programs for people facing detention and deportation supports COVID-19 relief efforts by providing lawyers, who advocate tirelessly for people's health and safety in communities cumulatively harmed by COVID-19, criminalization, and systemic racism. Jurisdictions can use ARP funds to create or expand deportation defense programs, like the ones in the Vera Institute of Justice's SAFE Initiative.

A view of a long line of people that stretches four blocks for relief goods in the Elmcors Building in Corona, Queens, New York, USA during the Coronavirus pandemic on May 6, 2020. (Photo by John Nacion/NurPhoto via AP)

## How do deportation defense programs like SAFE help immigrant communities?

- The SAFE Initiative works with governments, immigration legal service providers, and advocates to advance local- and state-funded deportation defense to further a national movement for universal representation.
- Immigrants who have legal representation are 3.5 times more likely to be granted release from detention on bond by an immigration judge and up to 10 times more likely to establish a right to remain in the United States than those who face deportation alone.<sup>2</sup>
- Publicly funded deportation defense programs help families and communities that have been disproportionately impacted by the pandemic. These programs help secure the release of people from detention, disrupt the pipeline between the criminal legal and immigration systems, restore due process, build community trust, and keep families together.

## Why should ARP funds be used for local and state deportation defense programs?

### 1 To help states and cities prevent and mitigate the spread of COVID-19 in detention.

- ICE and federal immigration authorities continue to target immigrant communities, book people into detention, and tear apart families. Detained immigrants face increased public health risks because detention facilities are a vector of the spread of COVID-19. ICE continues to book thousands of people into detention each month and transfer them across its vast network of facilities, seemingly without proper public health precautions.<sup>3</sup>
- Using ARP funding to invest in immigrant legal services and representation programs for people facing detention and deportation supports communities' COVID-19 prevention and mitigation efforts by ensuring legal advocacy for the health, safety, and freedom of people in detention. Release from detention is nearly impossible without representation, even for humanitarian reasons during this pandemic.

### 2 To supplement state and local funding available for immigrant justice programs.

- The infusion of federal financial support to state and local governments ensures that there is enough money for programs that expand immigrants' access to justice.
- Jurisdictions have the opportunity and responsibility to use the additional support to advance an equitable and inclusive recovery—moving public dollars away from investments that worsen economic and racial disparities and toward programs like deportation defense to help all communities recover, stabilize, and grow.<sup>4</sup> (See “How do deportation defense programs like SAFE help immigrant communities?” above.)

### 3 To help reverse the negative economic impacts of COVID-19 on immigrant communities.

- One ARP funding objective is to replace lost revenue that forced governments to make cuts while budgeting during the pandemic. Governments can use ARP funds to restart the growth of immigration program budgets that may have been paused by revenue losses incurred during COVID-19.<sup>5</sup> In the event that programs were negatively financially impacted by the pandemic, ARP funds could be used to revive them.

## How have jurisdictions already used ARP funds to support deportation defense?



- 1** **The City of Pittsburgh, Pennsylvania,** **invested** \$100,000 of ARP funding to start a new immigrant legal defense program.
- 2** **Washington, DC,** **plans** to increase its Immigrant Justice Legal Services grant program by \$2 million over two years using ARP funding.
- 3** **The City of North Miami, Florida,** **allocated** ARP funds to establish a new deportation defense program.
- 4** **The City of Long Beach, California,** **proposed** leveraging federal sources of stimulus and recovery funding to fund the Long Beach Justice Fund, which provides legal representation for Long Beach community members facing deportation.
- 5** **Los Angeles County** **approved** \$2 million of ARP funding for deportation defense.

## What can localities do next?

- Engage immigrant communities and organizations in conversation to collaborate on ARP investment priorities.
- Ensure that immigrants—regardless of status—can equally access and are eligible to receive all benefits and programs funded through ARP state and local plans.
- Consider ARP funding as a catalyst investment for a new or expanded long-term program to leverage additional sources of public—and more permanent—funding. Localities should prioritize making zealous representation for people facing deportation sustainable over time.

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### Endnotes

- 1 On May 10, 2021, the U.S. Department of Treasury released guidance on eligible uses of Coronavirus State and Local Fiscal Recovery Funds, a pool of money within ARP funding, directing jurisdictions to “. . . provide assistance to those households, businesses, and non-profits in communities disproportionately impacted by the pandemic.”
- 2 For a summary of this research, see Karen Berberich and Nina Siulc, *Why Does Representation Matter?* (New York: Vera Institute of Justice, 2018), <https://perma.cc/NTM6-F8UN>.
- 3 See also Nina Siulc, “Vera’s New Prevalence Model Suggests COVID-19 is Spreading through ICE Detention at Much Higher Rates than Publicized,” *Vera Institute of Justice*, June 4, 2020, <https://perma.cc/9HPW-HQU8>.
- 4 See Vera Institute of Justice, *Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative* (New York: Vera Institute of Justice, 2020), <https://perma.cc/9ZQ2-WM7Q>; and Vera Institute of Justice, *Support Universal Representation: SAFE Initiative 101* (New York: Vera Institute of Justice, 2020), <https://perma.cc/4M4K-3YFF>.
- 5 For the full rules and regulations for ARP funding, see U.S. Department of the Treasury, 31 CFR Part 35.

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### For more information

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