

[Home](#) » [Newsroom](#)

COMMENTARIES | JANUARY 2021

Nearly 3 Million U.S. Citizens and Legal Immigrants Initially Excluded under the CARES Act Are Covered under the December 2020 COVID-19 Stimulus

By [Julia Gelatt](#), [Randy Capps](#) and [Michael Fix](#)

[Coronavirus \(COVID-19\) Resources](#) | [Illegal Immigration & Interior Enforcement](#)

[see less -](#)

[Immigrant Integration](#) | [Children & Family Policy](#) | [Immigrant Profiles & Demographics](#) | [U.S. Data](#)



Margaret W. Nea for Bread for the World

The \$900 billion pandemic-recovery stimulus package that passed Congress in December rectified what many had viewed as a significant oversight in the earlier CARES Act: Its exclusion of U.S. citizens and legal immigrants in mixed-status families.

The Migration Policy Institute (MPI) has estimated that the \$2.2 trillion CARES Act enacted last March excluded 5.1 million U.S. citizens and legal immigrants from up to \$1,200 each in stimulus payments because they were the children or spouses of unauthorized immigrants. MPI estimates that nearly 3 million of these excluded Americans and legal immigrants, who meet income thresholds, are now eligible for up to \$600 in tax rebate payments under the new stimulus package and for retroactive receipt of CARES Act payments. The 9.3 million unauthorized immigrants whose incomes are low enough to meet the eligibility thresholds were—and remain—ineligible under both stimulus packages.

U.S. and State Estimates of Mixed-Status Family Eligibility for Stimulus Payments

For national and state-by-state estimates of the U.S. citizens and legal immigrants excluded from the CARES Act and included in the December budget legislation, check out [this dataset](#).

With Democrats poised to regain control of the Senate and the White House and favoring increased individual stimulus payments, there likely will be a push to expand the \$600 payments to \$2,000; indeed [GOP Senator Marco Rubio of Florida](#) on January 12 urged President-elect Joe Biden to call on Congress to do so. Even as nearly 3 million U.S. citizens and legal immigrants in mixed-status families stand to benefit, more than 2 million U.S.-citizen and legal-immigrant children in families where both parents are unauthorized remain excluded from stimulus payments. This leaves already burdened state and local governments to fill this needs gap.

Mixed-Status Families and COVID-19 Relief

Many adults and children who are U.S. citizens, lawful permanent residents (LPRs), or other legal immigrants live in mixed-status families with unauthorized immigrants. About one-fifth of the nation's estimated 11 million unauthorized immigrants are married to citizens or LPRs, while more than one-third have at least one U.S.-citizen child—with considerable overlap between these two groups. [More than 4 million](#) of the approximately 5 million children under age 18 who have an unauthorized immigrant parent are U.S.-born citizens.

During the coronavirus outbreak and the recession it triggered, immigrant families have confronted [increased unemployment](#). But unauthorized immigrants and their citizen and legal-immigrant family members also face restricted eligibility for most forms of economic support typically available in times of need. U.S.-citizen and legal-immigrant spouses and children living in families with unauthorized members receive lower benefits from Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP, or food stamps), and are barred from receiving the Earned Income Tax Credit (EITC). Unauthorized immigrants, whether in mixed-status families or not, are entirely barred from unemployment benefits, SNAP, and the EITC, as well as stimulus payments.

CARES Act Exclusions

The [CARES Act](#) included one-time stimulus payments of up to \$1,200 for individuals, \$2,400 for couples filing taxes jointly, and \$500 per child. To be eligible, individuals or couples filing jointly had to have family incomes below a certain threshold. Spouses and dependent children listed on a tax filing also had to have a valid Social Security number for the family to qualify. This requirement generally followed the logic of immigrant-eligibility rules for the EITC set out in the 1996 [Personal Responsibility and Work Opportunity Reconciliation Act](#) (PRWORA). By requiring all family members to have a Social Security number, the CARES Act disqualified millions of otherwise eligible individuals from stimulus payments due to the immigration status of their spouses and parents.

MPI researchers have estimated that 14.4 million people had incomes low enough to qualify for some level of CARES Act payments but were disqualified due to the Social Security number requirement. These include 9.3 million unauthorized immigrants, of whom 940,000 were children; 3.7 million U.S.-citizen or legal-immigrant children living with unauthorized immigrant parents; and 1.4 million citizen or legal-immigrant spouses of unauthorized immigrants. (Roughly 1.3 million

income-eligible unauthorized immigrants who were asylum seekers, Deferred Action for Childhood Arrivals [DACA] participants, or Temporary Protected Status [TPS] holders were made eligible for payments because they can work legally and have Social Security numbers.)

Table 1. Estimates of Mixed-Status Family Members Excluded from the CARES Act and Included in the December 2020 Stimulus Package

	Excluded from CARES Act	Included in December Stimulus Measure
Unauthorized immigrants	9.3 million	0
U.S.-citizen or legal- immigrant spouses of unauthorized immigrants	1.4 million	1.4 million
U.S. citizen or legal-immigrant children of unauthorized immigrants	3.7 million	1.5 million

Note: U.S.-citizen and legal-immigrant children who only have unauthorized immigrant parents remain ineligible for the payments. *Source:* Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the American Community Survey (ACS) for 2012-16, pooled, and Survey of Income and Program Participation (SIPP) for 2008.

The excluded 14.4 million people represent about 5 percent of the U.S. population with incomes low enough to qualify for CARES Act payments. They comprise even higher shares in several states: California (12 percent), Texas (9 percent), New Jersey (8 percent), Nevada (7 percent), and New York and Illinois (6 percent each). For state-by-state data on members of mixed-status families excluded under the CARES Act and covered in the later stimulus measure, click [here](#) .

Immigrant Family Members Newly Included in the December Stimulus Bill

The [budget bill](#) passed in December, which included \$900 billion in additional pandemic-related relief, offers smaller stimulus payments than the CARES Act: up to \$600 for individuals, \$1,200 for couples filing jointly, and \$600 per dependent child, with similar income thresholds. The law extends payments to the 1.4 million U.S.-citizen or legal-immigrant spouses excluded in the CARES Act and to the 1.5 million citizen or legal-immigrant children with mixed-status parents (i.e., one parent is an unauthorized immigrant, the other is a U.S. citizen or legal immigrant). The legislation also allows these 2.9 million spouses and children to apply retroactively for the first round of CARES Act payments.

Two groups remain excluded from the stimulus payments: 2.2 million U.S.-citizen or legal-immigrant children who have only unauthorized immigrant parents, and 9.3 million unauthorized immigrants.

Both the March and December 2020 stimulus packages provide mixed-status families lower payments than families where all members have valid Social Security numbers. Take for instance a two-parent family with two children, with an annual income below \$150,000. If all four members have valid Social Security numbers, they qualify for \$2,400 under the December legislation: \$1,200 for the couple plus \$1,200 for the two children. But if one parent is an unauthorized immigrant, they would qualify for \$1,800: \$600 for the qualifying parent plus \$1,200 for the children.

The new round of stimulus payments is going out automatically to some families, while others will apply as part of their 2020 tax returns. To receive the retroactive CARES Act payments passed in March, U.S.-citizen and legal-immigrant spouses of unauthorized immigrants must apply as part of their 2020 tax returns. Although the Trump administration has implemented a public-charge rule that could disqualify immigrants from obtaining lawful permanent residence (or green cards) if they use certain public benefits, receipt of stimulus payments is not disqualifying because they are structured as

tax credits rather than public benefits. Because some payments will be automatically provided to most families, unlike many benefit programs, there are few administrative hurdles that could deter immigrant families from applying for them.

Unmet Need in Immigrant Families

While the December measure provides new benefits to almost 3 million adults and children in mixed-status families, major gaps remain. Members of struggling immigrant families who are ineligible for federal benefits—including the 2.2 million U.S.-citizen and legal-immigrant children with only unauthorized immigrant parents—can receive limited state and local aid in the few places such as California, New York City, and Houston that have opted to provide assistance regardless of immigration status. The demand for state and local assistance is likely to be higher in places where mixed-status families with restricted eligibility for federal assistance are concentrated—putting further pressure on budgets already constrained by falling revenues and pandemic-driven unemployment.

Biden has pledged to work with Democratic majorities in Congress to pass additional pandemic relief. Presumably the \$2,000 stimulus payments that the Biden campaign and some allies have proposed would adopt eligibility rules regarding mixed-status families similar to those in the December law. And Congress may consider extending stimulus-payment eligibility to unauthorized immigrants who file federal income taxes with an Individual Taxpayer Identification Number (ITIN), and their U.S.-citizen or legal-immigrant children, given that the House approved such a measure in the [HEROES Act](#) last May. Researchers estimate that perhaps half of unauthorized immigrants file taxes with an ITIN (though many others pay payroll taxes collected by their employers). Expanding stimulus payments to ITIN filers might encourage more unauthorized immigrants to obtain ITINs and file taxes to get the payments. Further, negotiations over a new package would almost certainly include additional assistance to state and local governments—relief that could help them provide support for mixed-status families.

Recent extensions of aid to U.S. citizens and legal immigrants in mixed-status families enjoyed bipartisan support. Further expansions of assistance would account for a small fraction of the total cost of any future stimulus package and would accrue major benefits to millions of U.S.-citizen children and, through family spending on essential needs, the communities in which they live.

SUBSCRIBE FOR UPDATES

Authors



Julia Gelatt is a Senior Policy Analyst with the U.S. Immigration Policy Program. [Full Bio >](#)

Randy Capps is Director of Research for U.S. Programs. [Full Bio >](#)



Michael Fix is a Senior Fellow at MPI and is its former President. [Full Bio >](#)



Related Research

- [Mixed-Status Families Ineligible for CARES Act Federal Pandemic Stimulus Checks](#)
- [Vulnerable to COVID-19 and in Frontline Jobs, Immigrants Are Mostly Shut Out of U.S. Relief](#)
- [An Early Readout on the Economic Effects of the COVID-19 Crisis: Immigrant Women Have the Highest Unemployment](#)
- [COVID-19 and Unemployment: Assessing the Early Fallout for Immigrants and Other U.S. Workers](#)

U.S. Immigration Policy Program

MPI's U.S. Immigration Policy Program analyzes U.S. policies and their impacts, as well as the complex demographic, economic, political, foreign policy, and other forces that shape immigration to the country.

[More Info >](#)

National Center on Immigrant Integration Policy

The NCIIP is a crossroads for elected officials, researchers, state and local agency managers, grassroots leaders, local service providers, and others who seek to understand and respond to the challenges and opportunities today's high rates of immigration create in local communities.

[More Info >](#)

Human Services Initiative

The Human Services Initiative focuses on a range of immigration issues affecting children, families, and health- and human services programs and policies in the United States, with particular attention to refugees, asylum seekers, unaccompanied minors, and the children of immigrants.

[More Info >](#)

Contact Us

202-266-1940
info@migrationpolicy.org



1400 16th St NW, Suite 300, Washington, DC 20036
ph. 202-266-1940 | fax. 202-266-1900



Copyright © 2001-2021 Migration Policy Institute. All rights reserved.

[CONTACT](#) | [SITE MAP](#) | [EXPERTS](#) | [SIGN UP](#) | [DONATE](#)