

The Immigrants Who Feed D.C. Don't Have the Same Safety Net as Other Out-of-Work Employees

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It's a complicated situation."*

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MAR 26, 2020 6 AM

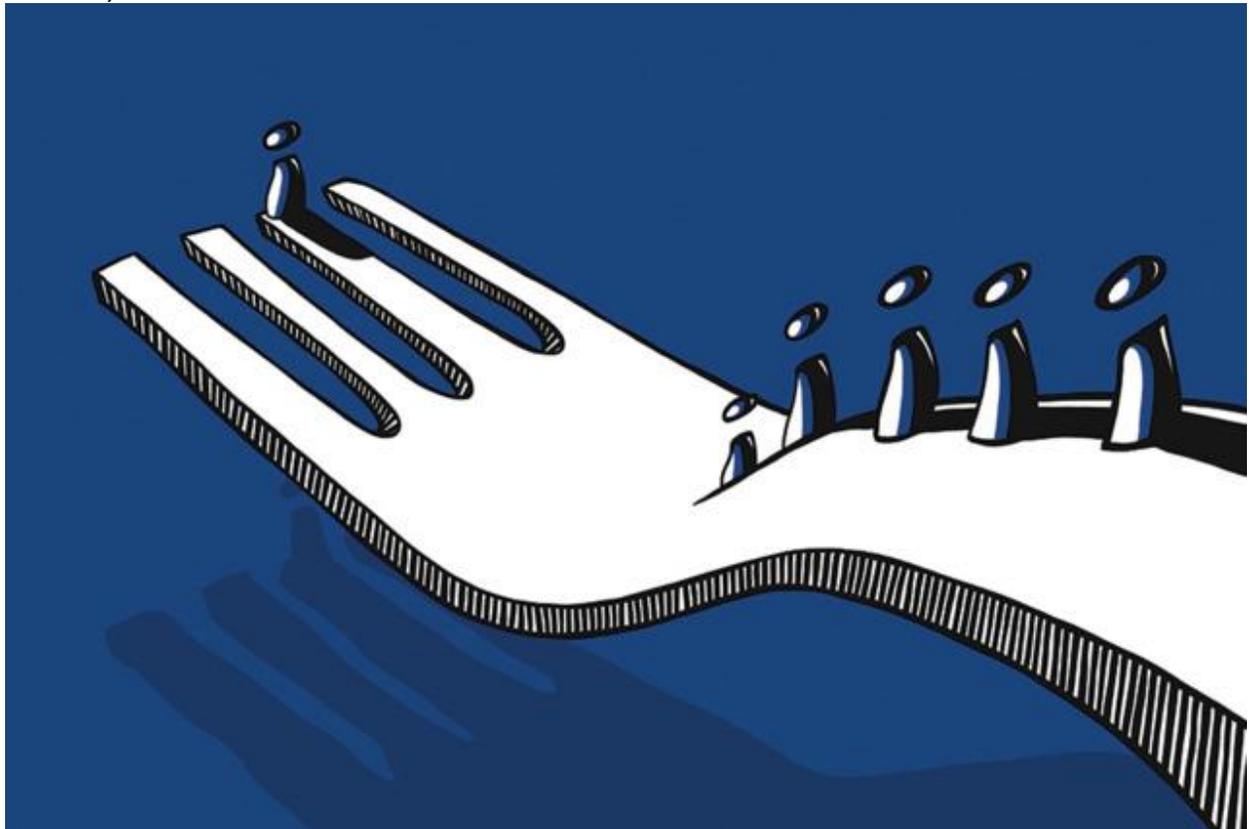


Illustration by Hunter Myers

Ana Cristina Plaza and her colleagues at Ayuda have been making runs to the Capital Area Food Bank and dropping groceries off at clients' houses, along with essentials like diapers. Food runs are outside the organization's usual scope of work. So is writing rent checks. Ayuda typically provides translation help and legal assistance to immigrants and social services for immigrant victims of domestic violence, sexual assault, stalking, or human trafficking.

Seventy-five percent of the 120 families Ayuda supports include at least one restaurant industry worker, according to Plaza, a caseworker and Ayuda's manager of emergency assistance programs. Many have been laid off and told to apply for unemployment. But doing so requires a Social Security number, which Plaza says 99 percent of her clients don't have because they're undocumented.

"One client said, 'Ana I have to pay my rent no later than April 5. How am I going to do that with a week of no payment already?'" she recalls. "Next week we'll see the desperation from people ... If they buy food, they can't pay rent. If they pay rent, they can't buy food. It's a complicated situation."

Anyone who has enjoyed a meal at a D.C. restaurant has immigrants to thank. They grow the ingredients, prepare them for service, cook food, serve it, wash dishes, and clean restaurants after they close for the night. Some eventually move into managerial positions or open restaurants [of their own](#).

According to 2015 Census Bureau numbers, U.S. restaurants employ nearly 2.3 million foreign-born workers. That number has likely climbed over the past five years as cities experiencing restaurant booms confronted staffing shortages.

Those who are undocumented or in the U.S. on work visas don't have the same social safety net as citizens or green card holders, even though they pay taxes using Individual Taxpayer Identification Numbers. According to [2018 data](#) from the New American Economy, a research and advocacy organization focused on immigration issues, immigrants pay \$458.7 billion in taxes annually, with \$31.9 billion of that coming from those who are undocumented.

As restaurants and bars lay off staff in droves, newly unemployed workers are turning to community organizations, lawyers, and schools for aid and advice. Everyone has had to pivot during this public health crisis. Advocates and attorneys are helping these individuals navigate myriad risky scenarios.

Carlos Rosario International Public Charter School CEO **Allison Kokkoros** says they too have been getting calls about food, childcare, transportation, and employment. Carlos Rosario has a Culinary Arts Academy and offers English as a Second Language instruction. Many of the students, who come from 80 different countries, work in local restaurants.

Student services teams have been putting bags of food together to sustain some of their most vulnerable immigrant families. They have also been counseling students and helping them cope with mounting anxiety. For the city's diverse population of immigrants, language barriers make the situation even more fraught.

“Many of our students have family responsibilities here that are pretty significant and are also doing their best to support people back home who are living in war torn countries,” Kokkoros says.

City Paper [interviewed](#) five immigrant restaurant workers in 2018 who support their families from afar in addition to paying rent here. Four were enrolled at Carlos Rosario and also worked as line or prep cooks. According to 2020 data from the job search site Indeed, line cooks in the District earn \$16.22 an hour on average.

There are ways neighbors can help, Kokkoros says. “Decide to keep using services that you used before—don’t cancel the cleaning or the landscaping. Dial it up if you have the means to do it. Do carry-out and delivery from restaurants because if you do it means they’re able to give more hours to employees who desperately need those hours right now.”

Central American Resource Center Executive Director **Abel Nuñez** reports that the immigrants his organization supports want to know if they’ll be receiving the individual, one-time \$1,200 checks that are a part of the stimulus bill the Senate voted on Wednesday afternoon. “What I keep telling them is we don’t know how they’re going to be deployed,” he says. “Methods of deploying resources will have to be pretty official.”

Since Nuñez says undocumented workers are generally barred from applying for unemployment, he worries there’s “nothing out there for them except for straight charity from churches and food banks and individuals.”

When you apply for unemployment under normal circumstances, you have to prove you are ready and able to work and that you are currently searching for work. Since undocumented immigrants don't have the paperwork that technically makes them "able to work," they don't apply.

The city removed both of those provisions to accommodate more people who were laid off due to COVID-19. The Department of Employment Services did not respond to *City Paper's* request for comment about whether these changes make it possible for undocumented immigrants to apply safely. Even though Immigration and Customs Enforcement [said](#) they would only focus on criminals during the COVID-19 outbreak, any brush with the government is a threat.

"Municipalities aren't taking them into account," Nuñez says. "They say we're a sanctuary city, yet at the height of this crisis they're forgotten even though they're important to a lot of sectors." He's particularly worried about street food vendors. "The woman on the corner selling you pupusas in the informal economy, there's no mechanism to get any money or resources."

Even those dedicated to getting immigrants paid feel like their hands are tied.

"Before restaurants shut down, we were getting calls," **Justin Zelikovitz**, the managing partner of DCWageLaw, a firm [focused on](#) supporting victims of wage theft, says. "There's really not much they can do. If they're undocumented they're not entitled to unemployment. They're not entitled to public assistance in the vast majority of cases. There's not much counsel we can provide."

At-Large D.C. Councilmember **Elissa Silverman**, who chairs the Committee on Labor and Workforce Development, is concerned with how best to support out-of-work undocumented immigrants. While the "feds set the rules" when it comes to who is eligible for major benefit programs, Silverman says she's looking into how the local government can come to the rescue by setting up a fund for those who don't qualify for unemployment.

The emergency legislation the Council passed on March 17 left the door open. "The mayor has authorization to spend local funds for those who might not be able to apply for unemployment," Silverman says. There's precedent. The Council passed the "Supporting Essential Workers Unemployment Insurance Emergency Amendment Act of 2019" in February of last year and it is currently under congressional review. It enables previously ineligible furloughed federal workers to apply for unemployment benefits during government shutdowns.

“Those workers will pay the fund back when they receive their back pay,” Silverman explains. “That’s what makes this situation different. Workers unable to collect unemployment now will not get back pay and the District won’t recoup those funds. But we need to keep these workers and their families stable.”

Silverman says she’s also considering ways to direct grants to legal aid and community organizations. “It’s really about trust,” she says. “Those groups, especially community-based organizations, have the trust of our undocumented workers so they feel comfortable coming to get help.”

While undocumented workers are the worst off, even immigrants who had lawfully been working before getting laid off face a unique set of challenging decisions. The COVID-19 public health crisis reached America at a time when anti-immigrant action is on the rise. The recent 5-4 Supreme Court [ruling](#) in favor of the **Trump** administration’s controversial new rule on public charge took effect on Feb. 24.

A public charge is someone who has accepted or is likely to accept public benefits in the future. Since 1800, there have been rules in place to make sure immigrants entering the country will be self-sufficient, according to the U.S. Citizenship and Immigration Services. If they’re not, they can be deemed a “public charge” and denied a visa or green card.

Historically, the government has only looked to see if an immigrant had received cash assistance or long-term institutionalized care. The new rule broadens what it considers public assistance to include Medicaid, [SNAP](#), Temporary Assistance for Needy Families, and Section 8 Housing Assistance. Some people, like individuals who served in the U.S. military or who were classified as a refugee, asylee, or trafficking victim, are exempt from the public charge rule.

Unemployment is not currently flagged as a benefit that could make someone a public charge, but the decision of whether or not someone is classified as such is in the hands of Department of Homeland Security adjudicators or consular officers who have wide discretion to interpret the rule however they see fit. Should President Trump win a second term, it’s possible unemployment could be added to the list of public assistance programs that are red flags.

Becki Young, a partner at Grossman Young & Hammond, LLC, has been practicing immigration law for more than two decades and focuses on the hospitality industry. She helps employers bring workers in from overseas and keep them here legally. Many

of the workers are in the U.S. on O-1 or H-1B visas, which only authorize them to work for a single, specific employer. If that employer lays them off, what happens next?

“You’re immediately ‘out of status’ if you quit or lose your job,” she explains. “Out of status” is essentially like being undocumented. While a 60-day grace period starts at the cessation of employment for some people, Young says lawyers are divided on whether applying for unemployment or other benefits would make someone’s situation worse if they apply for a new visa.

“Everybody who applies for a temporary visa has to answer a question about if they’ve ever collected public benefits,” Young says. “My colleagues and I are still concerned that USCIS and the federal government have a huge amount of discretion.”

The dilemma everyone is facing, according to Young, is one of risk. “If you are eligible for unemployment but know it might pose some future risk, what do you do?” she asks.

Mark, one of Young’s clients who asked to be identified by his first name only, is struggling with the uncertainty. “We all lost our jobs,” he says. “When you’re a chef, you spend most of your time in the kitchen. It’s very weird. I feel like I’m in jail because I’m not in my environment.”

Both Mark and his wife are immigrants who work in restaurants. Mark quit when the public health crisis was ramping up because he says he couldn’t bear to be the one to lay off his employees. “When you are an executive chef, they’re kind of like your kids,” he says. His wife was laid off from her restaurant job.

He’s still waiting for his last paycheck and doesn’t plan to apply for unemployment. Mark moved to the U.S. from France in 2005 and two of his kids were born here. He was about to have his green card interview when the USCIS offices closed because of COVID-19. Since his status is in limbo, he’s afraid to ask for help and fears becoming a public charge.

“There are a lot of immigrants like me who wonder, ‘Are we ever going to get help? Yes or no?’”

How to help:

Ayuda is raising money to help its clients pay rent and other expenses through their [COVID-19 Emergency Relief Fund](#).

Central American Resource Center (CARECEN) is also [collecting donations](#) to fund its work.

There's a [fundraiser in place](#) to help Many Languages One Voice support street vendors in need.

Various restaurants launched GoFundMe [online fundraisers](#) to pay their staff, including ones that fall outside of the traditional safety net.

The [Legal Aid Society of the District of Columbia](#) offers legal advice in English and Spanish.

Got a resource to add? Email Lhayes@washingtoncitypaper.com

<https://www.washingtoncitypaper.com/food/young-hungry/article/21124554/the-immigrants-who-feed-dc-dont-have-the-same-safety-net-as-other-outofwork-employees>