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OPEN LETTER TO WISCONSINITES

April 10, 2020

The Honorable Governor Tony Evers
Speaker of the Assembly Robin Voss
Senate Majority Leader Scott Fitzgerald
Wisconsin State Capitol
2 E Main St, Madison, WI 53703

Re: Ensuring Wisconsin is a Safe & Welcoming state: Necessary Assistance for Wisconsin's Immigrant Families During the COVID-19 pandemic

Dear Governor Evers, Speaker of the Assembly Robin Voss, & Senate Majority Leader Scott Fitzgerald:

The current COVID-19 pandemic and community response required to stop its spread is proof of how interconnected we are as a human society and the importance of having policies that ensure the well-being of all, for the benefit of all. The virus and its effects don't discriminate based on immigration status, and neither should relief efforts. This letter is a public appeal on behalf of Voces de la Frontera and its members, urging you, Governor Evers, to take several necessary steps to ensure that Wisconsin's immigrant families obtain critical assistance during this national crisis.

Voces de la Frontera is a statewide membership-based community organization in Wisconsin that seeks to protect and expand the civil rights and workers' rights of low-wage workers, immigrants, and youth in Wisconsin. While this public letter is directed to assisting our immigrant community, make no mistake we stand in solidarity with others who are US citizens or have legal immigration status yet are being disenfranchised from federal aid because of poverty, inadequate access to health care or testing, or are facing retaliation at work for being sick, asking for protective equipment at work, or simply cannot afford to stay home because they lack paid sick days.. Lastly, we stand in solidarity with people who are imprisoned often due to the unfair criminal justice system, who are at greater risk of COVID-19 and with it, spreading it to other inmates and Department of Corrections staff.

To defeat this epidemic requires assurance that all peoples, regardless of immigration status, have the means and ability to protect themselves, their families and, with it, our communities. This virus has taught us that to leave one person behind puts us all at risk. To date, COVID-19 has significantly upended the lives of thousands of families

across Wisconsin, infecting over 2,500 individuals and forcing schools, businesses, and many public locations to shut down to force social distancing. These necessary steps to slow down the spread of the virus have paralyzed Wisconsin's communities. While recent federal legislation such as the CARES Act and the Families First Act provide relief to citizen families, these laws fail to provide adequate relief to thousands of immigrant families who do not qualify for the federal aid.

We urge your administration to help ensure the safety, health, and financial security of those families. This office can take several critical steps relating to enforcement and criminal justice, financial support, health care, and workers' rights to ensure that immigrant families are protected. Each of the sections is addressed below, with additional resources appearing at the end of the letter.

Immigration Enforcement

#1. Together with the State Attorney General, we call on you to forbid local law enforcement from any forms of entanglement with ICE (such as responding to requests for holds, transfers, and notifications) and from asking immigration-related questions. Also, to urge localities such as Waukesha & Sheboygan County to end 287g or similar contracts with ICE.

Preventing immigration enforcement is crucial during this crisis to reduce the outbreak of the virus. Despite the COVID-19 pandemic, Immigration and Customs Enforcement (ICE) raids and arrests have continued, and ICE is taking our immigrant neighbors to already-overcrowded immigration jails. Social distancing and safety precautions are nearly impossible in these immigration jails, leaving these locations and their detainees ripe for fatal COVID-19 outbreaks. Medical doctors, including two medical experts for the Department of Homeland Security, have warned of a "tinderbox scenario" as COVID-19 spreads to immigration detention centers and the resulting "imminent risk to the health and safety of immigrant detainees" and the public.

While public health experts have urged officials to immediately reduce jail and prison populations and custodial arrests, ICE has ignored these concerns and made little effort to release vulnerable detainees, saying instead it will do so only if a court orders release.

On April 1, 2020 the Sheboygan County Sheriff Cory Roeseler, signed a Warrant Officer Service (WSO) agreement with federal Immigration and Customs Enforcement, similar to Waukesha County's Sheriff Severson's harmful 287g program which deputizes county jail officials to become immigration agents, undermining community trust while encouraging racial profiling and the increased incarceration of people for minor traffic or immigration related offenses.

While ICE is trying to ramp up their activities through expanding these federal and local partnerships, people who are under custody—and the staff of jails and prisons—face the same health risks, as do their family members and communities. As such, confinement in a jail or prison facility for even a few hours could become a death sentence for many.

#2 Call on ICE to free all detainees

We ask you to act immediately to protect the lives of the people impacted by the state's prison system, as well as immigration detainees whose lives are presently imperiled by both COVID-19 and the lack of federal action.

#3. Moratorium on Enforcement of Driving Without a License

Many immigrants are essential workers for farms, meat packing plants, grocery stores, food service industries, personal care service, and cleaning industry. To provide these services they must drive to their employment to provide these essentially services that protect us all. And, just like other Wisconsinites, immigrants also require driving to buy groceries or go to necessary doctor appointments and are also forced to drive during this time. Incarceration for the "crime" of driving without a license now does not just hold the threat of a painful family separation but can also mean a death sentence for that individual, those that are confined with them or work in a prison or detention center.

In addressing this issue, we are also calling on a moratorium on tickets for driving without a license as this is the primary conduit which ICE uses to identify and detain people they perceive as potentially undocumented. These individuals are providing an essential public benefit and should be able to travel to work without the fear of arrest or detention.

Financial Support

The federal CARES Act recently passed by Congress unfairly excludes millions of immigrant families, including mixed-status families where spouses and children are U.S. citizens. State-funded economic relief is necessary for all Wisconsinites. No Wisconsin worker and taxpayer should be excluded from accessing economic relief in the form of recovery tax rebates simply because either they or their family members do not have a Social Security Number. We urge the State of Wisconsin to take action to address the urgent needs of Wisconsin residents who were left out of federal relief by allocating state funds to fill this gap. We cannot protect the nation from the Coronavirus and its economic impact if we deny health care and financial relief to a large segment of our communities.

To fully address this crisis and the economic hardships that people are enduring and will continue to endure, we need to provide relief for *all* workers who have contributed to the economy and are also being devastated by this economic downturn. Immigrants are front-line workers leading the response to the pandemic in the arenas such as public health, dairy, agriculture, food preparation and delivery, and cleaning and maintenance. If workers are not provided economic support, they will have no choice but to go out and work, thereby potentially exposing themselves and others to health risks. We cannot stop COVID-19 if exposed immigrants need to go to work to survive. Effective public

health and economic responses require attention to *all* community members. A pandemic response that excludes *any* members of our communities will weaken its effectiveness.

Wisconsin should fill the gap in federal aid by creating a state-funded tax rebate or cash assistance program that is made available to all Wisconsin residents, regardless of whether they file taxes with a Social Security Number (SSN) or an Individual Tax Identification Number (ITIN). This type of economic assistance is critical to ensuring that low-income families, including mixed-status immigrant families with U.S. citizen children and family members, do not fall into poverty as a result of the COVID-19 crisis.

Health Care

As this pandemic has shown, we are healthier when everyone in our communities, regardless of immigration or economic status, is healthy. And yet, immigrant families continue to need additional support during this crisis. In Wisconsin, many immigrant families who are not eligible to receive testing for COVID-19 under the Families First Act's optional state Medicaid program, for example, will lack the financial means to obtain COVID-19 testing. **We ask the Governor & Republican leadership to make testing, diagnosis, vaccines (if they become available), and treatment available to any Wisconsin resident who has or suspects that they have COVID-19, including immigrant residents.** We are facing a crisis where the risks from any individual foregoing care could be fatal for many, and urge the Governor to ensure that any testing, diagnosis, treatment, and, if developed, vaccines are available and affordable. For example, we have members in Wisconsin who are DACA recipients and work as Certified Nursing Assistants working directly with patients who have COVID-19, yet if they get sick as frontline workers, they cannot access public federal or state health care.

Workers' rights

Low-income workers, many of whom are immigrants, are in the front lines providing us food, health care, deliveries, and other essential items so that many of our families can stay home safe from the spread of this virus. Essential workers, including restaurant and grocery workers, delivery employees, janitors, and building cleaners, are risking their lives each day exposing themselves and bringing that exposure to their families. We thus urge Governor Evers and Republican leadership to take the four steps listed below to protect and support our workers, regardless of immigration status.

First, we ask Governor Evers to push for Wisconsin to adopt a "state plan" for occupational safety and health enforcement. Currently, Wisconsin is one of the 28 states where federal OSHA enforces the OSH Act. Wisconsin could, however, become a state plan state and begin enforcing its own health and safety protections for Wisconsinites on the job. Given that federal OSHA is currently not conducting worksite inspections related to COVID-19 and has failed to emit any enforceable standards that

would mandate social distancing and other preventive and protective measures during this pandemic, there's an urgent need for states to step up and actively enforce these laws.

Second, we ask you to create a clear legal standard and accessible process for workers to receive workers compensation when they contract COVID-19 on the job. Under current standards, to successfully file for workers compensation, a worker would have to prove that she contracted COVID-19 after an exposure at work, the exposure was “peculiar” to the work, and no alternative means of exposure can be shown. This will be a difficult standard to meet, and yet we know that many front-line workers are getting infected and even dying as a result of exposure to COVID-19 while working.

Third, we ask the Governor and Republican leadership to expand access to paid sick leave and establish a statewide paid family and medical leave program.

Wisconsin does not currently require that all employees have paid sick leave and paid family & medical leave. These policies are critical to protecting public health during a pandemic, and the federal legislation mandating paid sick leave and paid family leave did not go far enough to ensure that all workers are able to access leave during the pandemic.

Lastly, we ask you to enforce the closure of non-essential businesses to protect workers against exposure. Many employers are refusing to shut down their operations by alleging that they meet the definition of an essential business that may remain open, even when that claim strains credulity and workers want to stay home but must come to work or risk losing their jobs.

The Governor or Attorney General should establish a bilingual hotline for workers or their representatives to call in and seek additional clarification on the "Safer at Home" order, and enforce its provisions against non-essential businesses, so that workers who wish to shelter at home may do so without fear of retaliation or loss of employment. In cases of essential workers, when a worker is sick, workers should not be protected from being threatened with dismissal if they try to stay home in accordance with state and federal pandemic guidelines.

This is an open letter not just to our state leaders but to Wisconsinites across all party lines to stand in solidarity with immigrant workers and their families that are an integral part of urban, suburban and rural communities. For Wisconsin to overcome this epidemic requires us to not exclude anyone from the necessary assistance needed to maintain the Safe Order at Home. We are inviting organizations and elected officials to sign onto this platform and support efforts to achieve these goals. They can do this by contacting miriam@vdlf.org.

Sincerely,

Christine Neumann-Ortiz
Voces de la Frontera