

THE HEROES ACT

A Bold Response to the Coronavirus Pandemic and the Economic Collapse



U.S. House of Representatives Committee on the Judiciary

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H.R. 6800, The Heroes Act, is a comprehensive bill that responds to the challenges posed by the coronavirus pandemic. Below are provisions related to noncitizen and immigrant communities.

Extension of Filing and Other Deadlines. This section creates protections for certain noncitizens in the United States, as well as certain immigrant visa applicants, affected by processing delays and travel restrictions related to the COVID-19 public health emergency. Certain noncitizens who were lawfully present in the United States when HHS declared a public health emergency are protected from negative immigration consequences due to the inability to meet filing deadlines or leave the country. Temporary immigration status or work authorization that is set to expire during the emergency is automatically extended for a temporary period. Expiration dates of issued immigrant visas are extended for the duration of the emergency. Immigrant visa numbers that go unused at the end of the fiscal year are rolled over for use in subsequent fiscal years. And voluntary departure deadlines are extended for the duration of the emergency.

Temporary Accommodations for Naturalization Oath Ceremonies Due to Public Health Emergency. This section requires the Secretary of Homeland Security to establish procedures for remotely administering naturalization oath ceremonies during the COVID-19 emergency. Individuals who have been approved for naturalization may opt to participate in a remote swearing-in ceremony given the current suspension of in-person public ceremonies. The Department of Homeland Security (DHS) must provide written notice to eligible individuals and, to the greatest extent practicable, ensure that remote oath ceremonies are held expeditiously. The Secretary must also submit a report to Congress 180 days after the end of the public health emergency providing statistics on the use of remote oath ceremonies.

Temporary Protections for Essential Critical Infrastructure Workers. This section provides temporary protections to undocumented workers in the United States engaged in essential critical infrastructure work, as defined by DHS-issued guidance, during the COVID-19 emergency. Such workers are deemed to be in a period of deferred action and to be authorized for employment, and employers are shielded from certain immigration-related violations for employing such workers.

Supplementing the COVID response workforce. This section would temporarily ease certain immigration-related restrictions to allow immigrant physicians and other critical healthcare workers to better assist in the fight against COVID-19. This section would:

- Allow immigrant physicians who have lived and worked lawfully in the United States for years, and who have been approved for immigrant visas but are stuck in visa backlogs, to immediately apply for green cards if they will engage in COVID-19 work.
- Require DHS and the Department of State to expedite the processing of nonimmigrant petitions and visa applications for medical professionals and researchers who will engage in COVID-19 work.
- Provide flexibility to hospitals, medical facilities, and other employers of healthcare workers to quickly transfer employees to administer direct patient care or telemedicine in COVID-19 hot spots, engage in research and development of COVID-19 vaccines and cures, and provide other services as needed to address the emergency.
- Permanently authorize the “Conrad 30” Waiver Program, which allows States to sponsor immigrant physicians to work in medically underserved areas in exchange for a waiver of the physicians’ 2-year foreign residence requirement. The base number of annual Conrad waivers available to each State is increased from 30 to 35, with a demand-based sliding scale to determine the number of available waivers in future years.
- Provide independent temporary work authorization documents to nonimmigrant physicians and other healthcare workers, giving them maximum mobility and flexibility to engage in COVID-19 work during the present emergency.
- Provide special immigrant status for certain nonimmigrant COVID-19 workers and ensure that the spouses and children of such workers are not subject to removal if the worker dies.

ICE Detention. This section requires DHS to review the immigration files of all individuals in the custody of Immigration and Customs Enforcement (ICE) to assess the need for continued detention. Individuals who are not subject to mandatory detention shall be prioritized for release, either on recognizance or into an alternative to detention program, unless the individual is a threat to public safety or national security. DHS shall also ensure that all individuals who continue to be detained by ICE:

- Have access to free telephonic and video communications, including unmonitored telephone calls with attorneys.
- May receive legal correspondence by fax or email.
- Are provided sufficient soap, hand sanitizer and other hygiene products.
- Have access to virtual “know your rights” and legal orientation programming conducted by approved nonprofit organizations.

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