

Am I Eligible to Receive a Stimulus Check?

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Introduction

In March, Congress passed the CARES Act, which, among other things, directed the IRS to make payments of \$1200 for individuals or \$2,400 to married couples who meet certain requirements.

Those eligible can receive an additional \$500 per qualifying child.

This presentation is intended to give a brief overview of the eligibility requirements for receiving these payments.

This is **not** comprehensive legal advice. If you have questions about your specific situation, you should speak with a tax professional.

This presentation accompanies a Facebook live video which can be found on our Facebook page: <https://www.facebook.com/immigrantlawcenterMN/>



Income Eligibility

Individuals whose adjusted gross income is \$75,000 or less.

Couples whose adjusted gross income is \$150,000 or less.

Single individuals who file as “head of household” with an adjusted gross income of \$112,500 or less.

- If you make more than the income thresholds, you may still be eligible to receive a smaller stimulus check.

How Does the IRS Determine My Income?

The IRS determines your adjusted gross income based upon your 2019 tax return.

If you have not filed your 2019 tax return yet, the IRS will determine your adjusted income based on your 2018 tax return.

If you made less than a certain amount of money and were not required to file taxes, you can provide your information to the IRS by visiting <https://www.irs.gov/coronavirus/non-filers-enter-payment-info-here>.



What if I Have Not Filed My 2018 or 2019 Tax Returns?

If you have not filed taxes for 2018 or 2019 and you need to do so, you should speak to a tax professional. The deadline to file 2019 taxes has been extended to July 15, 2020.

Help may be available to you through the following organizations:



Prepare + Prosper

You can make an appointment online at www.prepareandprosper.org



Min-Minnesota Legal Aid

You can call 612-334-5970 Monday-Friday between 9:30 AM & 11:30AM and 1:30-3:30 PM or visit www.lawhelpmn.org.

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Dependent Status

You are not eligible for a stimulus payment if you are claimed as a dependent on someone else's tax return.

- Ex: You are a college student and your parents claim you on their tax return



I Am Not a U.S. Citizen, Am I Eligible to Receive a Stimulus Payment?

The short answer is **maybe**. The following rules apply to you, to determine if you will receive a payment:

1. **You must have a valid Social Security Number (SSN) issued to you by the U.S. Government**
 - Typically this includes individuals such as Lawful Permanent Residents, Asylees, DACA recipients, and other immigrants with a valid work permit.
 - This **does not** include individuals with a Individual Taxpayer Identification Number



2. If you are married, your spouse must also have a valid SSN.

- There is an exception to this requirement if you or your spouse served or are currently serving in the United States Armed Forces. In that case, only one of you must have a valid SSN.
- If you are married and your spouse does not have a SSN but you do, you may still be eligible for a stimulus payment if you each file separate tax returns. You should speak to a tax professional for more information.

3. If you have dependent children, your children all have a valid social security numbers.

- There is an exception to this requirement for an adopted child. If your child is adopted and does not have a valid SSN, you will still receive a stimulus payment.



The Green Card Test and the "Substantial Physical Presence Test"

In addition to the previous requirements, you must meet either the **Green Card Test** or the **Substantial Physical Presence Test**.

- The “Green Card Test” is just what it sounds like. If you have a green card, you meet this requirement, and the “Substantial Physical Presence Test” will not apply to you.
- The Substantial Physical Presence Test is a bit more complicated. It essentially means that you must have been present in the United States 31 days during the current year and 183 days during a 3 year period, including this year.



What Counts Toward the 183 Days?

All the days you have been present in the U.S. during 2020

1/3 of the days you were present in the U.S. during 2019

1/6 of the days you were present in the U.S. during 2018



Other Situations

Even if you meet the substantial physical presence test, there are certain situations under which you may still be considered a nonresident alien.

Some of these situations include:

- Maintaining a tax home in another country
- Having a closer connection to a country other than the United States



Closer Connection to a Foreign Country

The IRS will consider the following when determining if you have a closer connection to a country other than the U.S.

- The country of residence that you designate on forms/documents
- The types of official forms/documents that you file (See IRS website for more info)
- The location of:
 - Your permanent home
 - Your family
 - Your personal belongings
 - Your social/political/cultural/religious affiliations
 - Your business activities outside the U.S.
 - Where you hold a driver's license
 - Where you vote



When a closer connection to a foreign country will not be shown:

- You applied for a green card
- You have a pending application for a green card
- You filed a petition for a family member or a petition was filed for you



How Will I Receive My Stimulus Check?

If you filed a tax return in 2018 or 2019 and received a return via direct deposit, you will receive your stimulus check via direct deposit to that account.

If you did not receive a refund or you need to update your direct deposit information visit <https://www.irs.gov/coronavirus/economic-impact-payments>



Examples of Common Situations

I have a valid SSN, but my wife and children have ITIN's. Am I still eligible for a stimulus check?

- No. In order to be eligible your spouse and children must have a valid social security numbers.

I do not have a valid SSN, but my child is a U.S. Citizen. Is my child eligible for stimulus benefits?

- Unfortunately not. If your child is claimed as a dependent on your taxes, they are not eligible for any benefits.
- You will also be ineligible for the \$500 payment for qualifying children



Minnesota Financial Resources

Minnesota residents may qualify for certain state-based aid:

- City of Minneapolis Housing Assistance
 - Minneapolis Mayor Jacob Frey has announced the City of Minneapolis will be offering emergency housing assistance to Minneapolis families impacted by the COVID-19 pandemic. Emergency housing assistance is available to Minneapolis residents and families of children enrolled in Minneapolis Public Schools regardless of immigration status.
 - Application period for housing/utilities support is **Wednesday April 21 at 9AM – Monday April 27 at 12:00 noon.**
 - Applications are available in [English](#), [Spanish](#), [Hmong](#), [Somali](#) and [Oromo](#). Applicants can [apply online](#) or call the Tenant Resource Center at 612-302-3129. Callers will need to leave a voicemail message. An intake worker will return the voicemail message within three days. Para asistencia 612-673-2700, Yog xav tau kev pab, hu 612-673-2800, Hadii aad Caawimaad u baahantahay 612-673-3500.

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- MN County Based Assistance
 - Eligible members of immigrant and mixed status families who have had a significant reduction in household income due to job loss due to the COVID-19 pandemic may now be eligible for assistance. Assistance programs are available to U.S. citizen household members and qualifying immigrants and include Minnesota Family Investment Program (MFIP) cash assistance, Supplemental Nutrition Assistance Program (SNAP) food support and emergency housing assistance. For information on eligibility and how to apply, contact your home county directly or [visit their website](#).
 - [MN Immigrant Families COVID-19 Fund](#)
 - This is a grassroots fundraising effort to support immigrant families who don't qualify for local, state or federal support, and for those who, because of COVID-19, may be pushed even deeper into the shadows with little or few resources available to meet their immediate needs. The fund is a partnership between Asamblea de Derechos Civiles- St Cloud Chapter, Asian American Organizing Project (AAOP), Awood Center, Black Immigrant Collective (BIC), Centro de Trabajadores Unidos en Lucha (CTUL), ISAIAH, Navigate MN and National Asian Pacific American Women's Forum (NAPAWF) St. Cloud chapter and Release MN8.



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- CLUES hotline en Español **651-768-0000**, Minnesota undocumented residents can call here to request notification of application for rent and utility payment assistance.
 - MN Executive Order 20-14
 - Pursuant to Executive Order 20-14, signed by Gov. Walz, all evictions and writs of recovery are suspended for the duration of the Minnesota State of Peacetime Emergency. However, tenants still have the responsibility to pay rent while EO 20-14 is in effect. If you are facing housing insecurity or threat of eviction during the pandemic, visit LawHelpMN.org for assistance.
 - MN Unemployment
 - Must be an LPR, Refugee/Asylee, or a non-citizen with an unrestricted work permit (includes DACA & TPS recipients)
 - Visit <https://www.uimn.org/> for more information on applying for unemployment
 - Short, helpful videos on applying in Spanish, Hmong and Somali:
<https://uimn.org/applicants/videos/>.



For other resources please visit:

Immigrant Law Center of Minnesota's ["Covid-19 Resources" page](#).

City of [Minneapolis COVID-19 response and resources](#).

City of [St. Paul COVID-19 response and resources](#).

