

Best Practices for Supporting Workers Who Are Undocumented during COVID-19

*Completed by the University of Wisconsin Population Health Institute in collaboration
with the Community Resilience and Response Task Force - Current Draft 6.1.2020*

Audience

This document is intended for use by local health departments and organizations encountering undocumented workers in any part of their COVID-19 containment strategy. If you believe an outbreak is happening in your community and undocumented folks might be impacted, please consider the recommendations and best practices outlined in this resource. To use the recommendations in this resource, it is not necessary to confirm the immigration status of people in your community, rather addressing the specific ways these communities might be impacted will enhance the inclusivity of your containment approach overall.

This is a particularly challenging time for all immigrants in Wisconsin, many of whom have been hard hit by job losses and some of whom are not eligible for relief recently offered by the federal government (1). For people who are undocumented, these challenges are even greater. Many of these essential workers are living and working in high-risk industry settings - without the ability to practice physical distancing. It is critical that all undocumented workers know their rights at work and have the information and protections they need to ensure their health, safety, and well-being during this unprecedented time.

This resource is informed by a landscape scan of national efforts focused on supporting people who are undocumented through the COVID-19 pandemic (completed by the University of Wisconsin - Madison Population Health Institute), advocates from across the state, and learnings from recent COVID-19 outbreak response efforts in Wisconsin.

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Table of Contents

Introduction	4
Background	5
Immigrant Communities in Wisconsin	5
Undocumented Workers in Wisconsin	5
Supporting workers who are undocumented throughout the COVID-19 pandemic	6
Best Practices for Employers	7
Including considerations for how undocumented workers could be uniquely impacted as well as recommendations that we've learned from past outbreak response efforts in Wisconsin.	
Best Practices for Outbreak Response	11
Including recommendations for supporting and advocating for people who are undocumented.	
Additional Resources	14

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Introduction

People have been immigrating, migrating, and settling in Wisconsin for thousands of years and their pathways are not monolithic. Some people traveled to Wisconsin alone, others with their families. Some people move to Wisconsin in search of a better life, others due to persecution, or natural disasters and many due to the socioeconomic conditions in their home countries (2).

Whatever each person's story is, we are all worthy of respect and dignity, and we all deserve to have what we need to be healthy and safe. COVID-19 has spotlighted problems in our state that prevent many people from having the opportunity to be healthy such as lack of access to affordable health care and stable insurance, discrimination based on race, ethnicity, and immigration status, lack of resources available in people's preferred language, and working conditions that prevent people from being physically distant.

Cultural considerations are critically important in any support and response efforts. How people and communities live and work should inform our public health response to COVID-19 and humanize our efforts. In order to address the impact of this pandemic on people who are undocumented in Wisconsin, our efforts should directly address their needs and concerns. This moment makes clear that every person's health is intertwined with those of our fellow community members, and we are only as safe as those who are at most risk. When we address the needs of people who are undocumented in our community, we all do better. When we take care of each other, we thrive together.

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Background

Immigrant Communities in Wisconsin

In 2016, Wisconsin was home to more than 274,000 immigrants. The top countries of origin for immigrants living in Wisconsin in 2015 were Mexico (31.6 percent), India (8.1 percent), Laos (6.6 percent), Thailand (3.7 percent), and China (3.5 percent). While 5 percent of Wisconsin's population was born in another country, over 7 percent of residents are US born with at least one immigrant parent. These largely working-age residents are playing a valuable role in the workforce. For example, over 22 percent of all Wisconsin farmers, fishers, and foresters are immigrants, as are 12 percent of residents working in the computer and math sciences. As workers, business owners, taxpayers, and neighbors, immigrants are an integral part of Wisconsin's diverse and thriving communities and make extensive contributions that benefit all (3).

Immigrants working in Wisconsin contribute to a wide range of different industries in the state—many of which are growing and essential parts of the local economy. Immigrant residents make up more than one in three employees in the state's meatpacking and processing industry. They also account for 16.4 percent of the workers in the segment of manufacturing that includes semiconductor processors, assemblers, and those moving freight, stock, and materials by hand. Immigrant workers frequently gravitate toward sectors where employers may struggle to find enough interested U.S.-born workers. Immigrants in Wisconsin, for instance, make up 21.8 percent of workers providing services to buildings and dwellings, an industry that includes exterminators and office cleaning staff (4).

While immigrant workers make up 5.6 percent of the state's employed population, they account for 19.4 percent of those who work in the subset of agriculture jobs that include laborers in fields and the state's many dairy farms. They also make up 22.5 percent of physicians and surgeons, and 17.5 percent of workers in a set of computer related occupations (4).

Undocumented Workers in Wisconsin

In 2019, Wisconsin was home to an estimated 86,000 residents who were undocumented. Undocumented immigrants benefit our communities by bringing cultural and economic vibrancy, entrepreneurship, and an expanded workforce for some of the state's most critical industries (5).

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In Wisconsin, undocumented workers contribute to a range of industries that could not thrive without a pool of workers willing to take on highly labor-intensive roles. In 2014, for instance, undocumented workers made up 7.8 percent of all employees in Wisconsin's accommodation and food services industry, a sector that includes dishwashers, food preparation workers, and short order cooks. They also made up 8.3 percent of workers employed in the agriculture sector, as well as 6.9 percent of workers in Wisconsin's administrative, support, and waste management services industry. In some sectors, such as agriculture, undocumented immigrants account for 50 percent of all hired crop workers, making them a critical reason why the industry is able to thrive (4).

Large numbers of people who are undocumented in Wisconsin have also overcome licensing and financing obstacles to start small businesses. In 2014, an estimated 5.5 percent of the state's working-age undocumented immigrants were self-employed. Roughly 3,000 undocumented immigrants in Wisconsin were self-employed in 2014, many providing jobs and economic opportunities to others in their community. Undocumented entrepreneurs in the state also earned an estimated \$43.6 million in business income that year (4).

Supporting workers who are undocumented throughout the COVID-19 pandemic

It is worth restating that this is a particularly challenging time for immigrants in Wisconsin, many of whom have been hard hit by job losses and some of whom are not eligible for relief recently offered by the federal government (1). For people who are undocumented, these challenges are even greater. Many of these essential workers are living and working in high-risk industry settings - without the ability to practice physical distancing. It is critical that all undocumented workers know their rights at work and have the information and protections they need to ensure their health, safety, and well-being during this unprecedented time.

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Best Practices for Employers

Please reference the following best practices to support the needs and health of undocumented workers as a part of your COVID-19 containment strategies.

1. Communicate frequently with workers in their preferred language (verbal, visual, written; can also use WhatsApp, create community-specific Facebook or text groups) regarding COVID-19 available resources and updates. Recognize the increased fear and anxiety a worker may experience following a positive test result: exercise empathy and offer additional proactive communications, patience, and responsive support. Beyond translation, consider information that may be critical for people who are undocumented (ex.: call out when resources do not require citizenship or permanent residency, describe how information will be shared or not shared with other agencies, etc.)
2. Honor that many undocumented workers and their families live and work with heightened exposure¹ risk, meaning the fear and anxiety they feel waiting for their test results does not disappear when they receive a negative test result. In addition, understand that some undocumented workers might face isolation and mental health needs, as they are far away from their homeland, families and support systems.
3. Understand that sometimes people may be reluctant to share if they have been in close contact with other people who are undocumented out of fear that they themselves may get in trouble or get others in trouble "with the law." If this is the case, provide assurance that information will be kept confidential.
4. Resources and information around the COVID-19 pandemic are dynamic and changing rapidly - consider collaborating with trusted sources of information in your community: immigrant services organizations; churches with significant immigrant or ethnic populations or those who provide community services to ensure workers have access to reliable sources of information and open lines of communication.
5. Provide essential worker ID cards or other documentation to all workers.
 - a. Example 1: <https://equitablefood.org/wp-content/uploads/wallet-cards.pdf>
 - b. Example 2: <https://www.calstrawberry.com/Portals/2/Documents/Advisories/Essential%20Worker%20ID%20Card%20CSC.pdf?ver=2020-03-20-114345-563>

¹ This heightened exposure is due in large part to living and working in settings where many people spend extended amounts of time in spaces where they are unable to practice physical distancing.

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6. Work with your local health department, healthcare systems, or state health department to try to make testing available at no cost to all workers who need it in high-risk settings. Testing sites should not require documentation to prove personal identity, immigration status, residency, work location or any other personal qualifying factors to access this resource. Make testing available to all who reside with workers at the same testing sites to minimize travel. If testing cannot be offered onsite, provide regular updates on nearby [community testing sites](#) and ensure information is available in preferred languages. Have interpreters available on-site to communicate with workers coming in for testing. Ensure communication clearly states that testing is available regardless of immigration status.
7. Be mindful that the presence of law enforcement military, or similar authority figures may inhibit undocumented workers from pursuing testing. It is recommended that if the National Guard or other law enforcement is supporting testing, they present in plain clothes or scrubs.
8. Ensure workers have health care or assist in determining eligibility for coverage of COVID-19 testing and treatment (Medicaid or other). Collaborate with local community health centers and low cost/free clinics in your community to ensure all workers and their families can access available health care services - including undocumented workers.
 - a. Wisconsin: <https://www.wphca.org/page/FindHealthCenter>
 - b. Wisconsin Association of Free & Charitable Clinics: <http://www.wafcclinics.org/find-a-clinic.html>
 - c. For women and families in need of low-cost health clinics: [Planned Parenthood](#) or other reproductive health low cost or free clinics that might be present in your community.
 - d. If you are experiencing an emergency, emergency rooms and hospitals that receive Federal Funding (most do) cannot turn away patients.
 - e. If you are pregnant, you can get health insurance in Wisconsin, regardless of immigration status. [The BadgerCare Plus Prenatal Plan](#) provides healthcare for pregnant women who are not otherwise eligible for BadgerCare Plus because of their immigration or citizenship status. To apply contact Member Services at 800-362-3002.
 - f. Help families that have questions or fears about immigration and public benefits connect to reliable information and resources by going to: <https://www.coveringwi.org/immigration>
9. Connect with local community health workers networks to align resources and support for undocumented workers and their families. Community Health Workers and health educators can help navigate local resources and make connections to health care services and social services that may be available to people who are undocumented. Visit the [Wisconsin CHW Network website](#) for more on available information, resources and education.

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10. Supply employees with non-surgical cloth masks/face coverings to make following current WI Department of Health Services guidance as easy as possible. Provide onsite cleaning for soiled cloth masks/face coverings at no charge to employees.
11. Follow recommendations including scheduled handwashing breaks (and provide necessary supplies such as hand washing stations and/or hand sanitizer); barriers between beds/sinks/close contact areas where physical distancing is not possible; cohort work crews and living quarters. For detailed best practices see the [Housing and Workplace Best Practices for Migrant Seasonal Agricultural Workers developed by the Wisconsin Farmworkers Coalition](#).
12. Ensure employees living at worksites who need to be isolated have separate sleeping, cooking, and bathing facilities; food delivery; daily symptom and temperature checks; assistance with accessing medical care, including safe transportation. Work in collaboration with your local health department for support implementing isolation guidance². For detailed best practices, see [Housing and Workplace Best Practices for Migrant Seasonal Agricultural Workers developed by the Wisconsin Farmworkers Coalition](#).
13. For workers who don't live in employee sponsored housing, make sure workers have access to the most up-to-date guidance and information from [Wisconsin Department of Health Services](#) and [Centers for Disease Control and Prevention](#) about best practices to keep themselves and their families safe at home (I.e. hand washing, physical distancing outside of immediate family, making trips to high traffic areas only when essential - etc.). Work in collaboration with your local health department to ensure alternative isolation facilities are available to those who need additional support.
14. Do not terminate employment for those who are sick with or have been exposed to COVID-19. For individuals who don't live in Wisconsin year round - do not insist they return back to their primary place of residence following a positive COVID-19 test result or confirmed exposure.
15. Implement or maintain flexible sick leave policies that permit employees to stay home to care for a sick family member or take care of children due to school and childcare closures. At minimum, draft non-punitive "emergency sick leave" policies. Ensure that policies are flexible and consistent with public health guidance and that employees are aware of and understand these policies. Do not require a positive COVID-19 test result or a health care provider's note for employees who are sick to validate their illness, qualify for sick leave, or

² Connect with your local public health department early - having a plan to support isolation needs before there's an outbreak can help ensure response efforts can best meet the needs of workers and their families quickly and prevent further spread.

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return to work. Consider providing paid sick leave as part of emergency sick leave policies to encourage workers to stay home when they are ill.

16. Encourage workers to connect with each other and form plans for mutual support (in a format that adheres to physical distancing best practice). Mutual support could look like contacting each other if workers need to find someone to cover shifts, sharing information, assisting with day to day needs in case one a family member gets sick (like school pickups or grocery shopping), and raising funds to support each other if folks lose work and income in this time.
17. Challenge dominant narratives that seek to “other” people who are undocumented. Sometimes people make racist / xenophobic remarks such as highlighting a set of circumstances that people are living in or experiencing as “different” or “wrong” - this kind of judgement pits our lived experiences against one another. If you witness such remarks, calmly point out that we are all members of the same community and everyone deserves to be safe. There is no time for us vs. them. We're only as safe as the members of our communities who are at most risk - we need to be in this together.
18. Prevent and stop racist responses and false information related to COVID-19. Share accurate information about how the virus spreads from reputable sources (CDC/DHS). Remind folks that diseases can make anyone sick regardless of their race or ethnicity. Stand in solidarity with immigrant, refugee, and undocumented workers - especially Asian American and Pacific Islander (A) workers – by standing up to discrimination or other forms of abuse.

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Best Practices for Outbreak Response

Please reference the following best practices for responding to COVID-19 outbreaks that may impact undocumented workers. These recommendations are aligned to the box it in strategy (7) Wisconsin is using to prevent community spread and are informed by past outbreak response efforts in Wisconsin.

Test Widely

- A. Ensure people being tested have access to accurate information in their preferred language (verbal, visual/posters, written; can also use WhatsApp, create community-specific Facebook or text groups). This can include resources that describe:
 - i. What is COVID-19?
 - ii. What is the local containment strategy? Including testing process, tracing process, follow-up, isolation and quarantine.
- B. Use evidence and equity-based approaches to develop community-testing strategies
- C. Recognize the increased fear and anxiety a worker may experience following a positive test result - exercise empathy and offer additional proactive communications, patience, and responsive support. Beyond translation, consider information that may be critical for people who are undocumented (ex.: call out when resources do not require citizenship or permanent residency, describe how information will be shared or not shared with other agencies, etc.) Do not ask for ID, DOB, or SSN when it is not absolutely required.
- D. Include community members in strategy development - consider using community conversations as a method to engage small group dialogue.
 - i. Hosting community conversations (in a format that adheres to physical distancing best practice):
 - 1. Prepare your materials - be sure to address
 - a. What is COVID 19
 - b. What is the process to keep folks safe when there are positive cases in the community?
 - c. What is the local containment strategy (testing process, tracing process, follow-up, isolation and quarantine)?
 - d. Does everyone have an aligned strategy?
 - 2. Support folks to be solutions oriented
 - a. Collect concerns prior to the meeting so that you have a pulse on needs that should be considered/addressed

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- b. Come with ideas
 - a. What are possible locations for testing sites?
 - b. What resources will be needed to stand up resources quickly?
 - c. What unique needs can we plan for (ex. religious and spiritual practices that need to be supported in this community)?
 - c. Messaging strategy - how can people expect to communicate/engage with and receive information from you?
 - d. What role can everyone play? What will your role be?
 - e. What incentives are available for those who participate in planning/strategy development - how will you compensate people for their time/contributions?
- ii. Establish a process for communicating the local testing strategy to community leaders and community members include (1) Testing, (2) Tracing, (3) Isolation and Quarantine, (4) Follow-up, (5) Resources
- iii. Engage local media in your communications efforts to highlight
 - 1. Positive stories that represent those most impacted and that highlight the resiliency of immigrant communities
 - 2. Local stories of those that went through the process
 - 3. Stories of local leaders - faith leaders, school leaders etc.
 - 4. Don't forget about including young people as critical messengers
- iv. Identify testing locations
 - 1. Is it a community trusted space?
 - 2. Is it accessible to community members? Transportation, etc?
 - 3. What can you do to alleviate barriers folks may face to access (i.e. transportation vouchers, extended hours, etc.)?
- v. Establishing a safe and accessible testing environment
 - 1. Do people feel safe entering a test site?
 - 2. Do staff and testers appear welcoming?
 - 3. Is the National Guard or law enforcement in uniform? Be mindful that the presence of law enforcement, military, or similar authority figures may inhibit undocumented workers from pursuing testing. It is recommended that the National Guard present in plain clothes or scrubs.
 - 4. Do you have interpreters/translation available on site?
- vi. Establish an accessible call line for people with questions

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- vii. Publish a resource that answers frequently asked questions (ex. expectations around facilities closure, data on positive tests, no identification required, reminders that testing is offered to everyone regardless of immigration status, how information will be shared or not shared with other agencies etc).

Isolate all people with positive tests & quarantine all contacts (self-isolate for 14 days)

- A. Identify safe places for people to isolate. Communicate transparently about where these sites are and what proactive steps are being taken to keep people safe
- B. Connect all people in isolation and quarantine and their families to resources
 - i. Food
 - ii. Basic needs
 - iii. Domestic/interpersonal violence, neglect, abuse
 - iv. Legal resources
 - v. Healthcare services
 - vi. Cleaning supplies
 - vii. Medication
- C. Provide written documentation for workers to share with their employers that includes any documentation of required time off work
- D. Communicate regularly and using multiple messaging channels

Identify and inform everyone who has been in contact with anyone who has tested positive for COVID-19

- A. Work with your local health department to understand the process for contact tracing
- B. When possible - encourage contact tracing to happen physically at worksites
- C. Assure people the purpose of contact tracing conversations and how information will be used - ensure this is aligned to actual protocol and that this commitment is followed by all stakeholders involved.
- D. All contact tracing efforts should happen in workers preferred language - literacy levels should be considered
- E. Resources for families should be part of the communications/messaging strategy
- F. Communicate regularly and using multiple messaging channels

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Additional Resources

The following is a collection of publicly available resources for quick reference - this is not a comprehensive list. If you have resources to add please reach out to the Community Resilience and Response Task Force.

National Resources

1. Centers for Disease Control and Prevention - [Homepage](#)
 - a. [COVID-19 specific resource page](#)
2. Illinois Coalition for Immigrant and Refugee Rights - [Homepage](#)
 - a. [COVID-19 Resources for Undocumented Communities](#)
3. Immigrants Rising - [Homepage](#)
 - a. [Support for Undocumented Communities During COVID-19](#)
4. Informed Immigrant - [Homepage](#)
5. National Employment Law Project - [Homepage](#)
 - a. [FAQ: Immigrant Workers' Rights and COVID-19](#)
 - b. [Worker Safety & Health During COVID19 Pandemic: Rights & Resources](#)
6. Occupational Safety and Health Administration - [Homepage](#)
 - a. [Wisconsin offices](#)
7. UMOs - [Homepage](#)

State and Local Resources

1. Wisconsin Department of Health Services - [Homepage](#)
 - a. [COVID-19 Specific Resource Page](#)
 - b. [Resilient WI - Community Specific Resources](#)
 - c. [COVID-19 Translated Resources Page](#)
2. Centro Hispano - Dane County - [Homepage](#)
3. Covering Wisconsin - [Homepage](#)
 - a. [COVID-19 Specific FAQ](#)
4. Latino Health Council - Dane County - [Homepage](#)
5. Legal Action of Wisconsin - [Homepage](#)
 - a. [Farmworker Project Contact Page](#)
 - b. [2020/2021 Outreach Calendar](#)
6. Mexican Consulate - Milwaukee Office - [Homepage](#)

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- a. [COVID-19 Information guide \(Spanish\)](#)
7. Voces de la Frontera - [Homepage](#)
 - a. [COVID-19 specific resource page](#)
8. Wisconsin Department of Workforce Development - [Homepage](#)
 - a. [Services for Migrant Seasonal Farm Workers](#)
9. Wisconsin Farmworker's Coalition COVID-19 Resource Page
 - a. [COVID-19 specific resource page](#)
 - b. Hosted by [Family Health La Clinica](#)
10. Worker Justice Wisconsin - [Homepage](#)

Reference List

1. Commonwealth of Massachusetts - <https://www.mass.gov/service-details/covid-19-resources-available-to-immigrants-and-refugees>
2. Wisconsin Historical Society - <https://www.wisconsinhistory.org/pdfs/textbook/EDU-Sample-Chapter6Textbook.pdf>
3. American Immigration Council - https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_wisconsin.pdf
4. New American Economy - <http://research.newamericaneconomy.org/wp-content/uploads/2017/02/nae-wi-report.pdf>
5. Milwaukee Independent - <http://www.milwaukeeindependent.com/syndicated/wisconsin-can-prosper-adopting-inclusive-approach-undocumented-immigrants/>
6. Asian Pacific American Labor Alliance - https://www.apalanet.org/uploads/8/3/2/0/83203568/aapi_covid-19_guidance.pdf
7. Prevent Epidemics - <https://preventepidemics.org/covid19/science/insights/box-it-in/>

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