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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Legal Aid Advises Incarcerated Persons of Restored Eligibility for Stimulus Payments and October 15th Deadline for Claims, Urges Officials to Remove Barriers to Access***

(NEW YORK, NY) – The Legal Aid Society issued the following statement notifying the public of a recent ruling granting eligibility to people in custody in jails and prisons seeking stimulus payments under the CARES Act, and calling on city, state, and federal officials to provide meaningful access to applications for those funds:

"Congress passed the CARES Act because of the tremendous economic blow dealt by the COVID-19 pandemic, falling most squarely on communities of color," said **Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice at the Legal Aid Society**. "It was wrong for the Treasury Department to withhold payments from people just because they were incarcerated, and this ruling does not rectify that wrong unless every eligible person in custody has a meaningful ability to claim the funds Congress intended to give them. The deadline is less than two weeks away, and every city, state, and federal actor must join together to remove any barriers preventing people in custody from timely applying. Mass incarceration has cost our clients so much. It should not also cost them this critical economic assistance to which they are entitled."

**Background**

Last week, a federal judge [held](#) that the Internal Revenue Service must provide CARES Act stimulus payments to eligible people in custody. The deadline to apply to the IRS for those payments remains October 15, 2020, rendering the relief ordered virtually inaccessible to most New Yorkers in custody because of the barriers posed by incarceration.

The Legal Aid Society demands the following action:

1. The IRS must extend the application deadline to November 1, 2020 for every person who was incarcerated at any point during the pandemic to allow meaningful access to the application process.
2. New York State congressional representatives to the U.S. House of Representatives and the U.S. Senate must take action to grant people in custody more time to apply, both by: working to extend the

December 31, 2020 CARES Act deadline for payments to be made; and by joining our call to the Treasury Department to extend the IRS application deadline.

3. The New York City Department of Correction (DOC) and the New York State Department of Corrections and Community Supervision (DOCCS) must help facilitate access to the application process for people in jails and prisons, including: granting internet access for the purposes of submitting an application on the IRS website, and expediting any mailings necessary for applications.

**Though we cannot determine eligibility or assist with filing applications, The Legal Aid Society will send a [letter](#) to as many potentially eligible clients as can be timely identified to urge them to consider applying by October 15, 2020. A person may be eligible to receive a CARES Act payment if:**

- The person was incarcerated at any point from March 27, 2020 to the present;
- The person is a U.S. Citizen or Legal Permanent Resident. The person is not married to someone who lacks a social security number, or has a child who lacks one, UNLESS the person or their spouse served in the Armed Forces in 2019;
- The person filed a tax return in 2018 or 2019 or was exempt from doing so because their income in 2019 was below \$12,200 a year or, if married and filing jointly, below \$24,400; **AND**
- The person was not claimed as a dependent on another person's tax return.

The letter in the link above also includes relevant forms and materials from the law firm who brought the class action that resulted in the ruling affirming that incarcerated persons are eligible for the CARES Act payments. We urge all of our clients and their loved ones to examine the materials and determine whether they are eligible to submit a claim.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*