

June 29, 2022

The Honorable Janet L. Yellen
Secretary of the Treasury
US Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20020

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue NW
Washington, DC 20024

Dear Secretary Yellen and Commissioner Rettig:

The undersigned individuals and organizations respectfully request that Commissioner Rettig extend to April 15, 2023 the 2021 tax filing deadline for taxpayers who were not able to apply for their Individual Taxpayer Identification Numbers (ITINs) on time. Without an extension, **hundreds of thousands of otherwise eligible U. S. citizen children** will be forever denied the 2021 enhanced Child Tax Credit (CTC). Under the 2015 Protection Against Tax Hikes (PATH) Act, unless the parents of these U.S. children applied for an ITIN on or before the filing season deadline, they can no longer claim the Child Tax Credit. Many parents, due to insufficient outreach, misinformation, distrust and/or lack of resources did not timely file returns or extensions. The IRS has the legal authority to extend filing deadlines in response to emergency declarations, such as the current one prompted by the COVID-19 crisis.¹ We ask that you implement this corrective measure in order to equitably administer the 2021 CTC provisions of the American Rescue Plan Act (ARPA) for all qualifying children, as contemplated under the Act.

Background

The enhanced Child Tax Credit is a historic provision of the 2021 American Rescue Plan Act, reinforcing the Biden Administration's promise of providing financial relief during the COVID crisis as well as advancing equity.²³ The success of the enhanced Child Tax Credit in reducing poverty among communities of color is in great part due to the incredible work that the Treasury Department and the Internal Revenue Service have led over the last months. Many of the families that we serve have been able to see a significant investment in their budgets that has helped them through the economic uncertainty of the pandemic. A pandemic that has disproportionately [impacted communities of color](#), and disrupted the economic recovery of [immigrant families](#) in particular, many of whom have been essential workers throughout the public health crisis.

The impact of this credit has been life-changing in communities throughout our country. Researchers at the Center on Poverty and Social Policy at Columbia University estimated that last March, at the height of the tax season, overall monthly poverty fell from 14.4% to 10.8% and monthly child poverty fell from 16.7% to 9.9% thanks largely to the Child Tax Credit and Earned Income Tax Credit. This translates to roughly 1,838,000 Latino children, 1,073,000 Black children and 224,000 Asian children [lifted above the poverty line](#). After such a historic investment in families, casting aside certain otherwise eligible U.S. citizen children who were specifically included as qualifying children under ARPA, because

their parents did not apply for a tax processing number or request an extension in time, would contradict the purpose and explicit intent of ARPA.

Why This Filing Extension is Necessary

Taxpayers needing ITIN numbers are disproportionately affected by administrative burden. During the 2020 and 2021 filing years, applicants are waiting as long as a year to have their ITINs processed and original documents returned to them. Even without the backlogs, the process of acquiring an ITIN number and navigating the tax system is particularly burdensome for taxpayers. The application must be submitted by mail, accompanied by a tax return, paper filed, with the assistance of a Certifying Acceptance Agent (CAA), a specialized group that is not easily accessible to most filers; or they must submit original documentation to the IRS, which closed its in-person assistance centers during the pandemic. When combined with the documented current IRS backlog and limited customer service, the ITIN process becomes increasingly difficult for these families. Due to the pandemic, many Volunteer Income Tax Assistance (VITA) sites were not open or able to provide in-person services to ITIN applicants needing to have their documents certified in person. Moreover, many VITA programs are not equipped to support taxpayers needing ITINs, as they do not help taxpayers file the required W7 form. This cumbersome process is compounded by the fact that these families were the targets of attacks by the previous Administration, making it even harder for them to trust government programs. While the current Administration admirably continues to facilitate access to the 2021 credit to those individuals still eligible but who have not yet filed, through outreach and simplified online enrollment, parents needing ITINs were never able to use the online filing tools, were the most difficult for community agencies to reach due to widespread fear and misinformation, and had little access to the specialized assistance they needed.

Outreach among communities of color has been incomplete. Despite efforts across many community partners and government agencies, Latino and Black communities continue to lag others in awareness of the CTC. The Administration made laudable outreach commitments in order to “ensure this crucial relief gets to all eligible families. That’s why the White House launched a whole-of-government effort to drive awareness of and sign-ups for the Child Tax Credit.”⁴ Reaching these families with information and assistance was still a very difficult task. A survey from last October showed that Latino respondents were less likely to report [claiming the CTC \(64% among tax filers\), compared to White \(76%\) and Black respondents \(76%\). Moreover, Latino respondents \(61%\) were less likely than White respondents \(67%\) to report receiving monthly CTC payments.](#) Even among those who were reached, in our experience working with Spanish-speaking taxpayers, many reported that the word “credit” meant a loan, and they would have to repay it. The existence of a separate filing deadline for these needy families was not highlighted in either national or local outreach. Likewise, [the acute importance of filing extensions for preserving these taxpayers’ filing eligibility was not widely understood by advocates and families alike.](#) The Treasury and its partners need more time to deliver eligibility information to harder-to-reach

families, including Latino and immigrant families, and not limit current enrollment to just some of the originally eligible children.

Children of parents needing ITINs should be treated like similarly situated U.S.-born children.

Under the PATH Act, a sub-group of taxpayers is subject to a separate and much shorter filing deadline than most taxpayers. This shorter deadline seems inconsistent with the relief provisions in ARPA. Since the 2021 tax filing deadline has passed, many families that were unaware of their eligibility for these credits are now not permitted to claim them. Carving out a group of U.S. citizen children from their peers due to the timing of the tax processing numbers of their parents undermines the ameliorative purpose of ARPA which specifically contemplated ALL these children being eligible for a one-time enhanced benefit. (Furthermore, even if such parents were able to regularize their status and are issued Social Security numbers after the tax filing date, but similarly received no extension, they also would be disentitled from claiming the enhanced credit for their U.S. citizen children. For example, a number of Haitian families who received Temporary Protected Status last year are in such a predicament.)

Extending the deadline for taxpayers with ITINs will improve the equitable implementation of the American Rescue Plan Act provisions. By extending the deadline, U.S. citizen children who are otherwise eligible for the CTC, will receive the relief that they need at a time when they are still impacted by the economic fallout of the public health emergency. Not doing so will mean that this subset of U.S. citizen children, while still technically eligible, will be left out because their parents have never had an ITIN as most of them previously lacked tax-filing requirements due to their low incomes. It is estimated that 1 in 4 U.S. citizen children lives in a mixed-status immigrant family. The families that have yet to file are those in the most precarious situations. From calls received by tax clinics, we know that parents living in shelters with disabled children, for example, are missing out on these funds.

The deadline extension matters for racial equity. The vast majority of the families left out due to the PATH act of 2015 provision are people of color. This group was already at risk of not receiving these benefits due to a lack of targeted outreach and program support. It is unfair that these U.S. citizen children in mixed-status families are subject to a different deadline than their peers who have 3 more years to claim the 2021 CTC.

The promise of the enhanced Child Tax Credit and ARPA can only be fulfilled if the children made eligible for these relief benefits can receive them in practice. The unique procedural obstacle facing their parents should be temporarily removed in order to prevent the inequitable administration of this credit among U.S. citizen children. The undersigned organizations have been committed to supporting the Department of Treasury to ensure the equitable implementation of the Child Tax Credit and other economic impact payments. We remain committed to assisting those not-yet-reached families, but we can do nothing to help the children of those tax filers who are now blocked due to the PATH Act, unless this otherwise insurmountable impediment is lifted.

Thank you for your prompt attention to this pressing matter. We are eager to meet to discuss these issues with you and your team. We cordially invite you to contact Jackie Vimo at the National

Immigration Law Center at vimo@nilc.org to schedule a meeting. We look forward to working with you to ensure that all eligible families benefit from an inclusive economic recovery, as Congress intended.

Sincerely,

National Organizations

American Academy of Pediatrics

Asian Pacific Institute on Gender-Based Violence

Bread for the World

Care Income Now

CASA. Inc

Center for Law and Social Policy

Center for the Study of Social Policy

Children's Defense Fund

Children's HealthWatch

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

COVID Survivors for Change

Economic Security Project

Equal Rights Advocates

First Focus on Children

Food Research & Action Center (FRAC)

Futures Without Violence

Global Women's Strike

Hispanic Federation

Immigration Hub

Kids in Need of Defense (KIND)

KIPP Public Schools

MomsRising

National Advocacy Center of the Sisters of the Good Shepherd

National Education Association

National Network for Arab American Communities (NNAAC)

National Women's Law Center

Network Lobby for Catholic Social Justice

Partnership for America's Children

RESULTS

Share Our Strength

Sisters of Charity of Nazareth Congregational Leadership

Stand for Children

The Arc of the United States

the Forum for Youth Investment

The Leadership Conference on Civil and Human Rights

UnidosUS

Universal Income Project
Women of Color in the Global Women's Strike
Young Center for Immigrant Children's Rights
ZERO TO THREE

Arizona

Arizona Association for the Education of Young Children
William E. Morris Institute for Justice

California

Bet Tzedek Legal Services
California Immigrant Policy Center
Exhilaration Station Family Resource Center
Golden State Opportunity
Koreatown Youth and Community Center
Oakland Starting Smart and Strong
San Diego for Every Child
The Children's Partnership
United Ways of California
UpValley Family Centers of Napa County
Vision y Compromiso

Colorado

Colorado Children's Campaign
Engaged Latino Parents Advancing Students Outcomes (ELPASO)

Connecticut

Connecticut Voices for Children

Florida

Haitian Neighborhood Center
Hispanic Unity of Florida

Hawaii

Hawai'i Coalition for Immigrant Rights
Hawaii Children's Action Network Speaks!
Maui Economic Opportunity, Inc. (MEO)

Illinois

Shriver Center on Poverty Law

Indiana

Marion County Commission on Youth, Inc. (MCCOY)

Louisiana

Capital Area United Way

The Middleburg Institute

Maine

Maine Children's Alliance

Maine Equal Justice

Maine Immigrants Rights Coalition

Maine Primary Care Association

Preble Street

Massachusetts

Asian American Civic Association

Boston Medical Center

Central West Justice Center

Children's Law Center of Massachusetts

Children's Law Center of MA

Community Economic Development Center

Greater Boston Legal Services

La Colaborativa

Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition

Massachusetts Law Reform Institute

Minnesota

Prepare + Prosper

Mississippi

Immigrant Alliance of Justice and Equity

New York

Citizens' Committee for Children of New York

New York Immigration Coalition

Poppy Muse Inc.

Prevent Child Abuse NY

Robin Hood

Schuyler Center for Analysis and Advocacy

The Education Trust--New York

United Way of Greater Rochester and the Finger Lakes

United Way of the Greater Capital Region

Westchester Children's Association

North Carolina

Meals4Families

Ohio

El Centro de Servicios Sociales

Oregon

Oregon Food Bank

Pennsylvania

Pocono Mountains United Way

Puerto Rico

Instituto del Desarrollo de la Juventud

Texas

Border Network for Human Rights

Children at Risk

Low Income Taxpayer Clinic, South Texas College of Law Houston

Utah

Voices for Utah Children

Washington, D.C.

Coalition on Human Needs

RESULTS DC/MD

Bcc:

Gene Sperling, Senior Advisor to the President, Coordinator of the American Rescue Plan

Michael Schmidt, Senior Advisor to the Secretary of Treasury