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Trump's new public charge rule may have already scared thousands of Texas families off public health insurance

"Stay calm," advises a Catholic Charities leader.

By: Dianne Solis and Obed Manuel - January 28, 2020

When a controversial immigration proposal to tighten who gets permanent residency was unveiled two years ago, experts predicted a drop in children using public health insurance. Now, state statistics show that 234,000 fewer children over the past two years enrolled in public health care programs.

On Monday, justices ruled 5 to 4 to lift a nationwide injunction that had prevented the Trump administration from denying legal permanent residency to immigrants who had used or could be deemed likely to use public benefits like Medicaid and another children's health insurance program. Justices gave no reasons for lifting the injunction. Litigation on the merits of the new public charge rule are ongoing in the lower courts.

Since news of the proposed rule on who might become a "public charge" leaked almost two years ago, experts and immigrants themselves said they were pulling out of government health insurance for fear that noncitizen parents and other family members could be denied the more secure status of legal permanent residency.

Though there isn't a start-day for the changes to roll out, advocates are urging immigrant families to remain calm.

"Talk to an organization like ours before stopping benefits," said Nubia Torres, director of the immigration legal services unit at Catholic Charities of Dallas. "We want people to have accurate information, especially if they have a pending petition [for legal residency], or are waiting to file. They need to file as soon as possible."

Torres said her organization will wait for guidance from national legal nonprofits to get the most accurate information. "This is not the decision we wanted," the Catholic Charities leader said.

Texas has shown an enrollment drop of 170,000 children on Medicaid from December 2017 through November 2019. Over the same period, Texas children enrolled in the Children's Health Insurance Program, or CHIP, fell by about 64,000, according to the latest state data. The drop represents 7% of the original number of insured children.



Gerard Rivas of Dallas, receives his flu vaccine during a Binational Health Fair at Mountain View College co-sponsored by the Mexican consulate and others last year. Photo: Brian Elledge/DMN

The federal government has said declines in Medicaid and CHIP are the result of a robust economy. In Texas, the unemployment rate stood at a low 3.5 percent in December.

But some believe those new jobs don't include health insurance, or that parents are choosing not to pay premiums. Already, Texas leads the nation with the highest number of uninsured, according to [census data](#) from last year.

While it's unclear what caused the enrollment drop in Texas Medicaid and CHIP, 34% of Texas children had at least one foreign-born parent in 2017, according to Kids Count, an initiative of the Annie Casey Foundation that analyzes census data.

"Our hypothesis is what changed in 2017 is the addition of this chilling effect from the Trump administration proposal," said Anne Dunkelberg, an associate director at the Austin-based Center for Public Policy Priorities.

But Ken Cuccinelli, a top official with the Department of Homeland Security, praised the Supreme Court ruling. In a prepared statement, he said it reinforces "self-sufficiency and self-reliance."



12-year-old Roberto Rosales, left and 6-year-old Victor Rosales get their teeth checked by Marcus Ruis DDS and Alina Garciamendez DDS during a free health fair coordinated by the Mexican Consulate at Mountain View College in Dallas Saturday October 21, 2019



Second year medical student Hector Filizola, left and Dermatologist Paras Vakharia MD both from UT Southwestern Medical Center check moles on the skin of Norma Taboada's arm during a free health fair coordinated by the Mexican consulate at Mountain View College in Dallas, on Saturday October 21, 2019.

Cuccinelli didn't indicate when [that rule](#) might take effect across the nation. A start date will be announced soon, according to a spokeswoman for U.S. Citizenship and Immigration Services, which will enforce a major portion of the public charge rule.

Public Education

Across North Texas, nonprofits and community groups had already begun preparing last year for the possible roll-out of the public charge rule. They said they had no choice: Families were removing children who are U.S. citizens from public health programs for which they were legally eligible.

In Dallas, Josephine Lopez-Paul, the lead organizer of [Dallas Area Interfaith](#), was blunt in her criticism. The group is planning a free health care fair on March 28 in Arlington at St. Joseph's Catholic Church. Some

immigrants have said they are fearful of going to any location connected to the government. Church complexes are viewed as safe places.

"We are creating a permanent underclass that doesn't care for one another," Lopez-Paul said.

"The damage has already been done, whether the rule went into effect. Just imagine if they don't have access to health care. ... They don't have access to immunizations."

Catholic Charities, along with other groups, are planning their next workshop at 6:30 p.m. Feb. 26 at North Lake College in Irving.

Reshaping immigration admissions

Monday's Supreme Court decision allows the executive branch to use the vague public charge definitions that currently exist in U.S. law to redefine admission standards, said Julia Gelatt, a senior policy analyst with the Migration Policy Institute, a research group that analyzes immigration policy.

“This reshapes our immigration system through executive authority rather than through conversations in Congress,” Gelatt said. “Usually when we revamp the law that says who gets to come here or not, it happens through congressional debate.”

The new public charge rule will take into account factors like an applicant's income, age, ability to work and past use of certain public benefits. Use of benefits by a noncitizen's U.S.-born children, however, would not count against someone applying for legal residency, commonly referred to as a green card.

A June 2018 Migration Policy Institute's report used data from 2014 to 2016 to look at the potential impact nationwide:

- About 10.3 million noncitizens had family receiving aid through programs included under the new public charge rule.
- And children of immigrants made up about 31% of those under 18 in households getting public aid.

A separate analysis by the same researchers at the D.C.-based think tank concluded **only about 39% of green card holders who received their status between 2012 to 2016** meet the income standards set by the new guidelines.

Gelatt added that officials will also likely have wide discretion to say whether they deem an immigrant more likely to become a public charge through use of government benefits.

At the American Immigration Lawyers Association, Jesse Bless, the director of federal litigation, said the group was disappointed that the public charge rule could go into effect temporarily while a legal battle is ongoing.

“As soon as the rule is implemented, AILA expects a rapid and glaring increase in the number of immigrants deemed inadmissible, and thus ineligible, for various immigration benefits,” Bless said.



Samuel Bonilla has his vitals checked during a visit on Oct. 22, 2019 at Agape Clinic, a private health center where no one is turned away because of tight finances.