

Public Charge: A New Threat To Immigrant Families

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What Do We Mean By Public Charge?

- A regulation, a part of immigration law since the Immigration Act of 1882.
- Aimed at reducing influx of immigrants who will rely on public assistance for subsistence.
- Definition: an alien who has become or who is likely to become “primarily dependent on the government for subsistence...”
- Applies to immigrants seeking legal status: *either* legal entry to the U.S. or lawful permanent residence.
- *Also:* If an immigrant who has been legally admitted becomes a “public charge” within five years of entry, they may be deported.
- **IT DOES NOT APPLY TO CITIZENSHIP APPLICANTS**

Public Charge Determination: Current Policy

- Government may consider past and current receipt of cash public assistance *for income maintenance*
 - Supplemental Security Income (SSI)
 - Temporary Assistance for Needy Families (TANF)
 - State and local cash assistance programs
 - Public assistance for long-term care in an institution (including Medicaid)
- Government *may not* consider receipt of non-cash benefits or receipt of cash benefits for purposes other than income maintenance
- ALSO, government may not consider cash benefits received by children or other family members (unless they are the family's sole source of support)
- EXEMPTIONS: refugees, asylees, certain other groups

Proposed Changes

- Department of Homeland Security (DHS): Draft of new rule proposes to
 - redefine “public charge” and
 - expand the scope of public benefits for consideration in determination
- Dependent on public benefits → receiving any public benefit
- *Proposed New Definition:* public charge is “an alien who uses or receives one or more public benefits...an alien inadmissible based on the public charge ground means an alien who is *likely at any time to use or receive one or more public benefits.*” (leaked draft to *Washington Post*, March 28, 2018)
 - May consider whether they sought, or received, **any public benefit**
 - Whether individual has received **any public benefit** in last two years
- Exemptions: unchanged

Expanded Criteria for Determination

- Government may consider:
 - Whether any dependent family member is receiving a public benefit
 - Including U.S. citizen children
- Heavily Weighted Factor of Note:
 - Immigrant has income and resources $\geq 250\%$ of Federal Poverty Line
 - Being below 250% is a problem in most states: median Medicaid and CHIP eligibility is at 255% of the poverty line.

Expansion of Public Benefits Under Consideration

- *ANY PUBLIC BENEFIT*, including
 - Medicaid
 - CHIP
 - ACA Marketplace subsidies
 - SNAP (food stamps)
 - Housing assistance
 - LIHEAP energy subsidies
 - State and Local subsidized health insurance
 - *ANY OTHER* federal public benefits for purposes of maintaining INCOME
 - Tax deductions
 - Tax credits

Government Programs Excluded from Determination

- Emergency or disaster relief
- Education and child care block grants
 - Public school and school lunch programs
 - Earned benefits (Social Security, veterans benefits, Medicare)
 - Government loans
 - Services or benefits available to the community as a whole

Status

- The Department of Homeland Security has sent it to Office of Management and Budget for final review and approval.
- This is the last stop before the agency initiates a rulemaking (if OMB approves).
- If DHS initiates a rulemaking, there will probably be a 60-day public comment period.
 - Public comment period: the agency accepts comments from all interested parties
 - Watchdog groups, think tanks, any member of the public
 - DHS will consider the comments and may revise the rule
- The time for the most influence is now/pre-rulemaking phase.

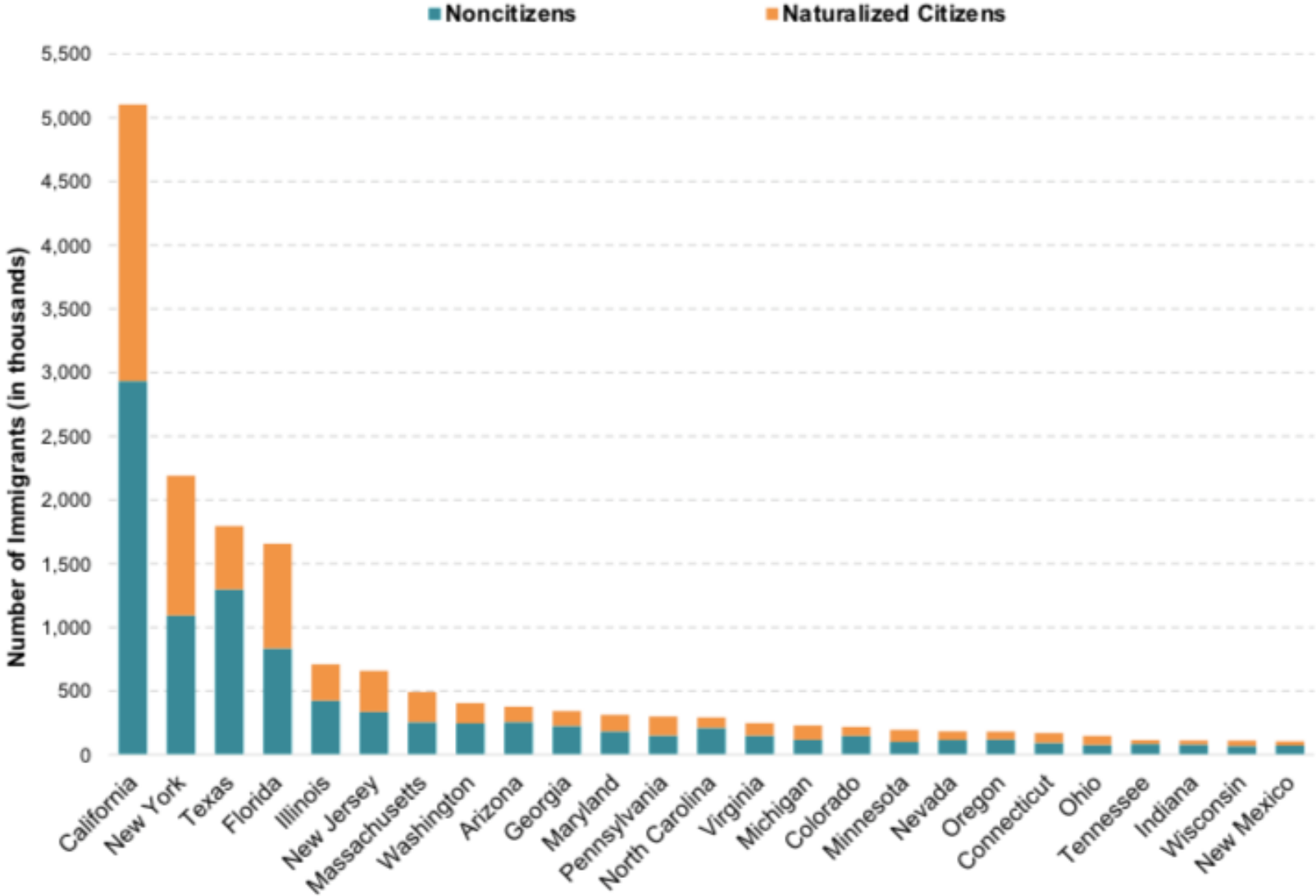
So What?

- This rule is restricting legal immigration based on income and wealth
- The victims: *legal* immigrants and their families, including U.S.-born children
- Chilling effect: scaring legal immigrants due to confusion
 - Many legal immigrants worry that this also applies to them when they apply for citizenship and have taken their families off of government programs. (*New York Times, Washington Post*)
 - Welfare reform in the 1990s (see KFF May 2018 report)
 - Health care providers, advocates, news organizations have provided evidence that there is already a chilling effect (*New York Times, Washington Post, other outlets*)
- If you doubt the notion of a chilling effect, consider this: American political ignorance. We know very little about specific policies.
 - Noncitizens are even less informed than citizens.

Impact

- 10.2-10.4 million U.S. citizen children with at least one noncitizen parent
 - American Community Survey 2016; Current Population Survey ASEC 2017
- 27 million immigrants & U.S. born children are in benefit-receiving families
- Potential Chilling Effects
 - Based on evidence after 1996 Welfare reform
 - If 20% of these families disenroll → 5.4 million dropping out of govt. programs
 - If 60% of these families disenroll → 16.2 million
 - Source: Migration Policy Institute, “Chilling Effects...” June 2018

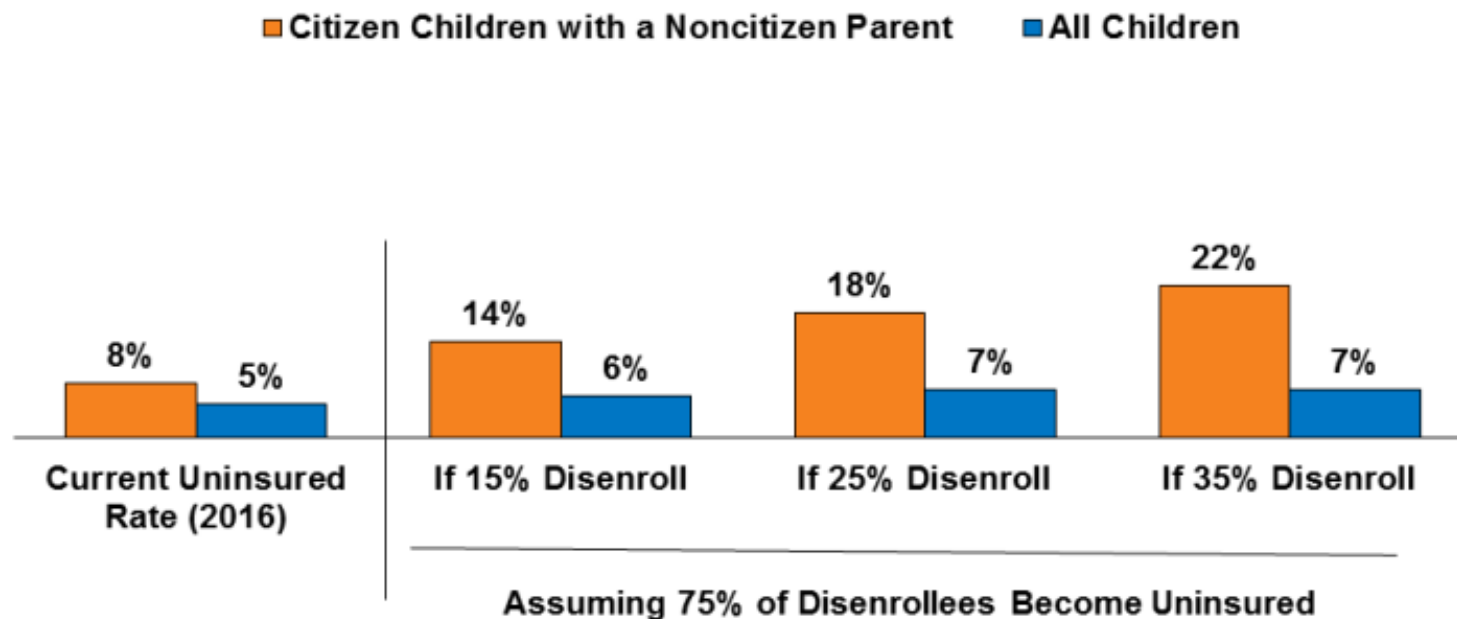
Figure 7. Top 25 States with the Largest Number of Immigrants in Benefits-Receiving Families, 2014–16



Note: Benefits-receiving families are those in which at least one member receives one or more of the four means-tested public benefits: TANF/GA, SSI, SNAP, and Medicaid/CHIP.
 Source: MPI tabulation of U.S. Census Bureau pooled 2014–16 ACS data.

Figure 6

Uninsured Rate for Citizen Children with a Noncitizen Parent Under Different Scenarios of Disenrollment from Medicaid/CHIP

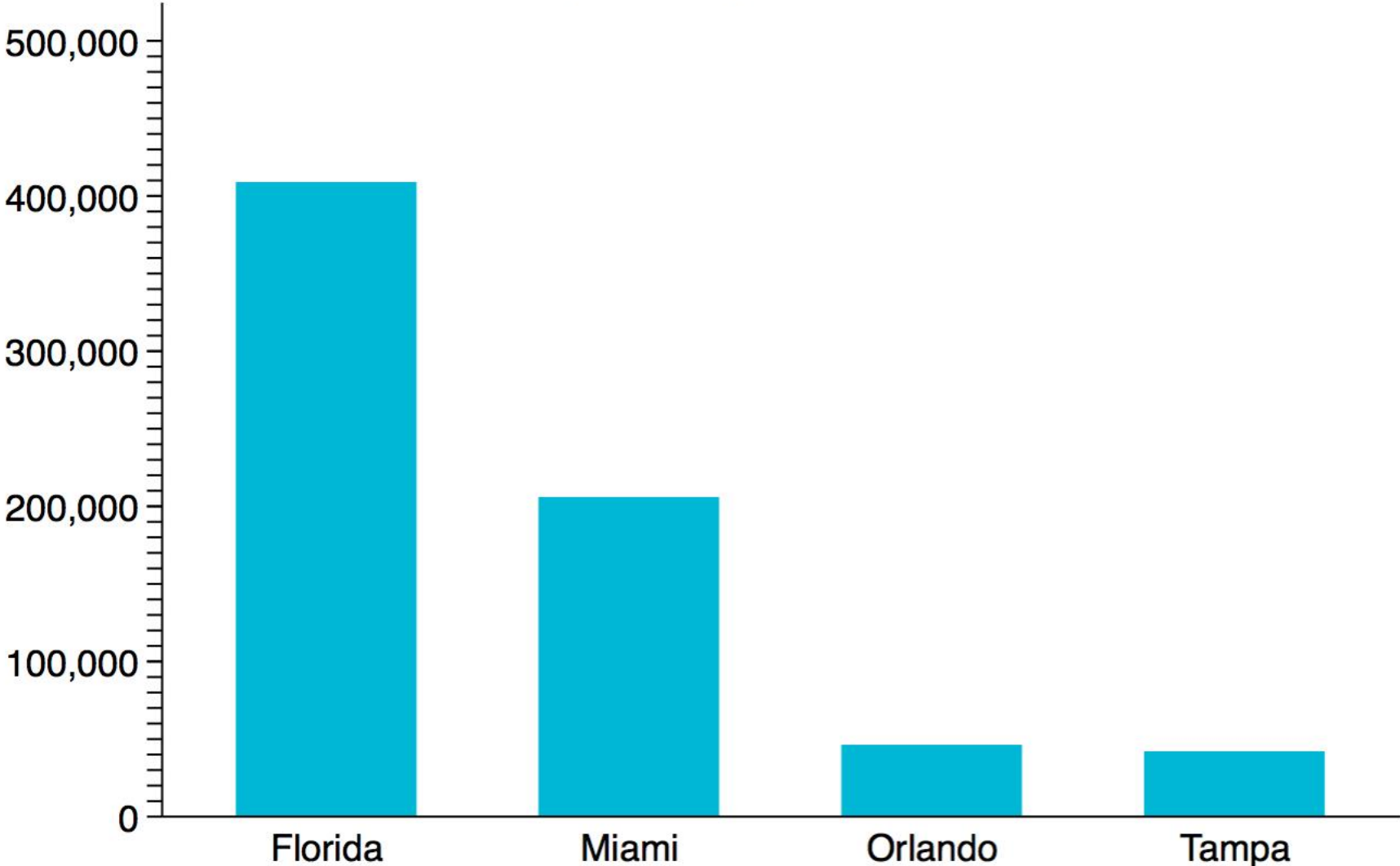


*Kaiser Family Foundation, May 2018

Source: Kaiser Family Foundation analysis of March 2017 Current Population Survey, Annual Social and Economic Supplement.



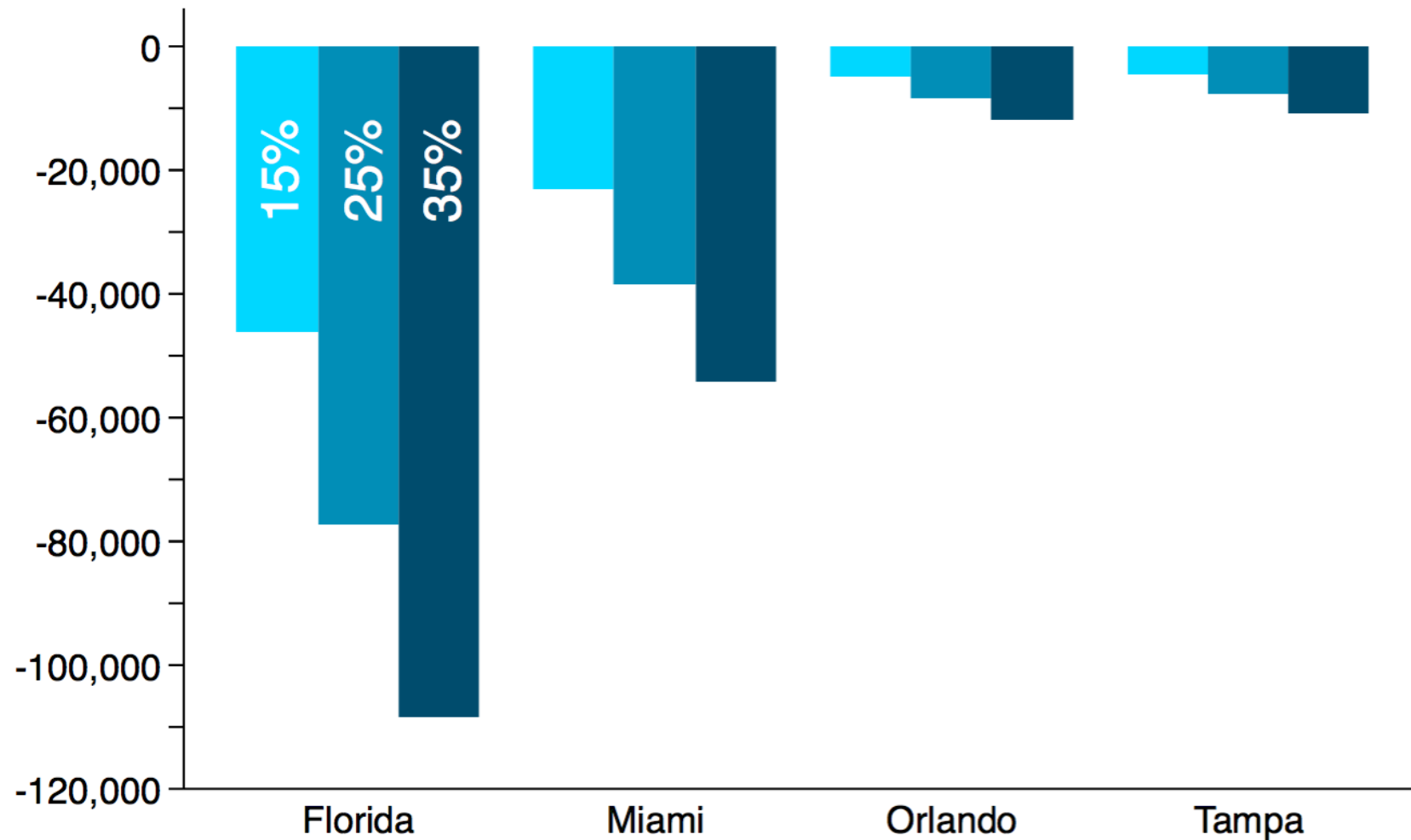
Number of Citizen Children With a Noncitizen Parent in Florida and its Major Metropolitan Areas on Medicaid or CHIP



Source: IPUMS-USA, University of Minnesota, www.ipums.org.

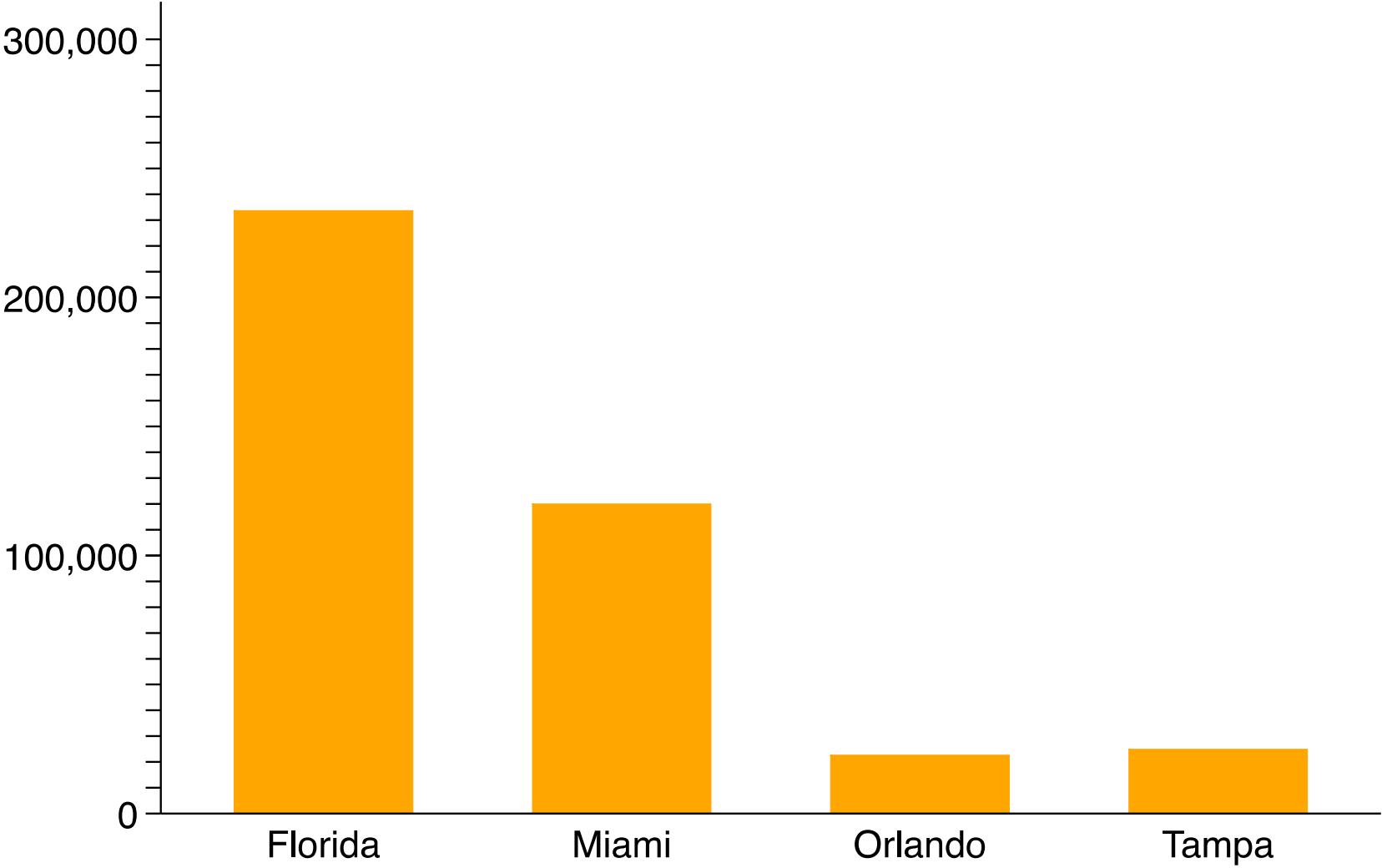


Number of Citizen Children Who Stand to Lose Health Insurance Under Potential Scenarios of Disenrollment from Medicaid/CHIP



Bars Reflect Potential Medicaid/CHIP Disenrollment Rate Scenarios
 Source: IPUMS-USA, University of Minnesota, www.ipums.org

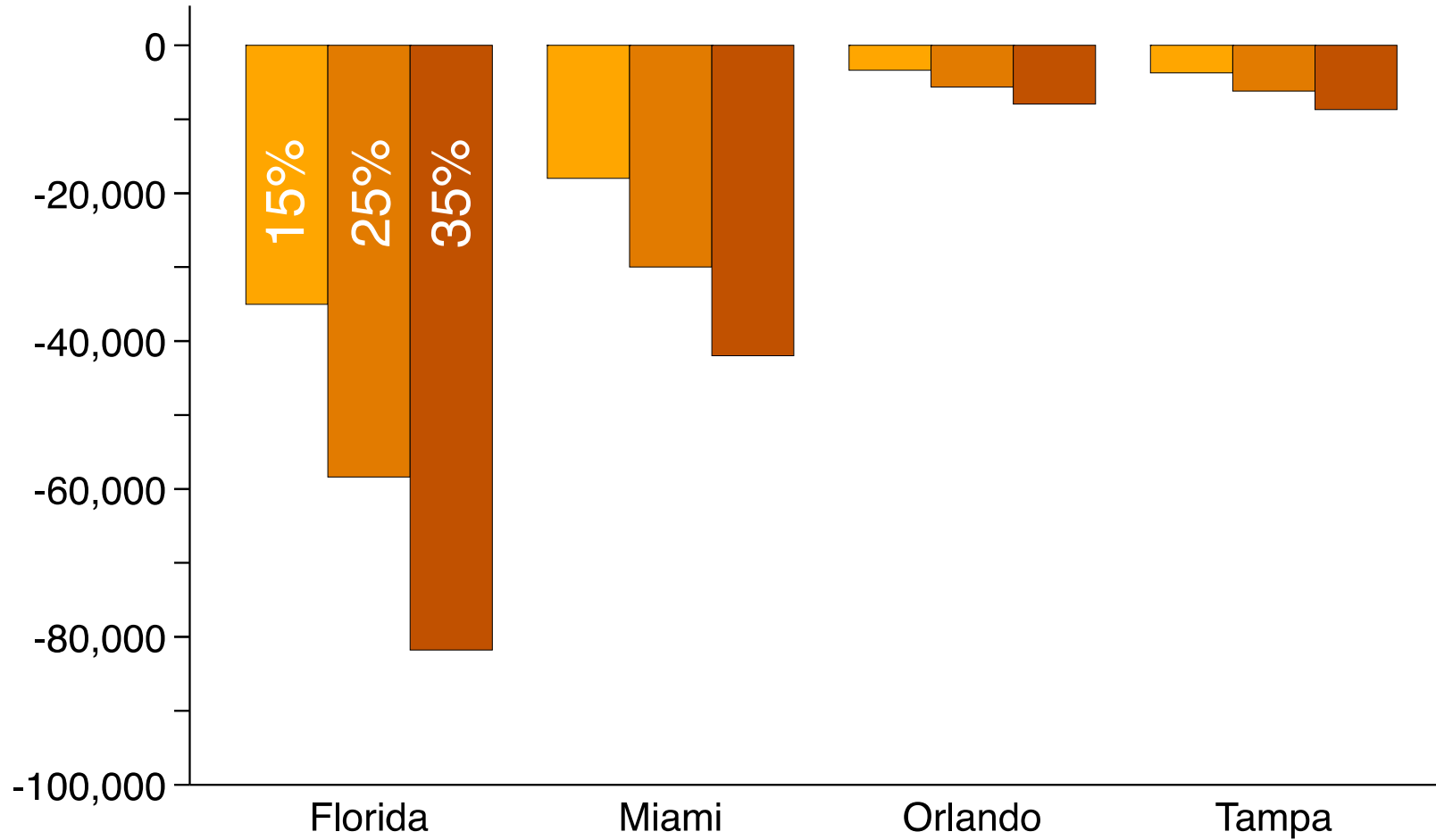
Number of Citizen Children With a Noncitizen Parent Who Are SNAP Recipients in Florida and its Major Metropolitan Areas



Source: IPUMS-USA, University of Minnesota, www.ipums.org.



Citizen Children Who Will Lose SNAP Benefits Under Three Potential Disenrollment Scenarios



Bars Reflect Potential Disenrollment Rate Scenarios
Miami, Orlando, and Tampa Refer to their Metropolitan Areas
Source: IPUMS-USA, University of Minnesota, www.ipums.org

Informing Your Constituents

- Take the time to understand what the public charge rule is and how it really works.
- Understand which groups in our population are targeted and what the magnitude of the consequences will be.
- Advice to your constituents
 - Technically, and officially, the proposed changes are not policy yet
 - But, the news has reported that some of this is being applied at consulates and embassies abroad.

If You Disagree With The Proposed Policy: What You Can Do

- If you disagree with this policy, there is time to act
- You have the best chance to have influence *before* the rule is formally proposed
 - Contact Office of Management and Budget to discuss how it will impact your community (discuss the economic impact if possible).
 - Reach out to local safety net hospitals for information about economic impact
 - Urge your federal elected officials to oppose this. Federal agencies do not like congressional intervention, especially public!
 - Work to pass legislation
 - Example: Miami-Dade Board of County Commissioners just unanimously adopted resolution opposing the proposed changes and directed its federal lobbyists to advocate against it.
- Great resource: protectingimmigrantfamilies.org

THANK YOU!

