

Research Estimating Impact of Proposed Public Charge Rule: What Study to Use?

Description

On October 10, the Department of Homeland Security (DHS) posted a proposed public charge regulation in the federal register, asking the public to submit comments by December 10, 2018, before it becomes final.

The proposal weighs a range of factors in deciding whether a person is likely to use certain public benefits in the future and would make it much more difficult for low and moderate-income immigrants to get a green card, extend or change their temporary status in the US. The proposed test would weigh each of the following *negatively* in public charge decisions: earning less than 125% of the federal poverty level (FPL), being a child or a senior, having certain health conditions, limited English ability, less than a high school education, a poor credit history, and other factors. The only factor weighing as “heavily positive” is a household income of 250 percent of the Federal Poverty Level.

This document is a running summary of demographic and economic research estimating the impact of the proposed public charge rule. The document includes information on each research product’s key findings and data sources and suggests best uses and describes the limitations of each research product. The estimates focus on two different universes: *directly impacted individuals* based on current estimates of benefit utilization and disenrollment scenarios, and *chilled populations*, which are likely to be chilled from accessing benefits, even if they are not current benefits recipients or directly impacted by the proposed rule. Based on the experience post-1996, following the last major transformation of federal laws governing immigrants and public benefits, we have data that indicates that large populations will be chilled from using benefits, even if the use of benefits will have no impact on their immigration status.

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CALIFORNIA HEALTH CARE FOUNDATION

Title	California Health Care Foundation: Changing Public Charge Immigration Rules: The Potential Impact on Children Who Need Care
Date Published	October 23, 2018
Measurement	Impact of proposed rule change on Medicaid and CHIP program enrollment among a particularly vulnerable group: low- and moderate-income children “in need of medical attention,” defined as children with a current or recent medical diagnosis, disability, and/or need for specific therapy.
Key Findings	<p>An estimated 4.8 million children in need of medical attention live in households with at least one noncitizen adult and are insured by Medicaid or CHIP.</p> <p>Approximately 700,000 to 1.7 million of these children are likely to be disenrolled from Medicaid or CHIP if the rule is changed. This includes (among others) approximately: (a) 143,000 to 333,000 children with at least one potentially life-threatening condition, including asthma, influenza, diabetes, epilepsy, or cancer; (b) 122,000 to 285,000 children on prescribed medications; (c) 102,000 to 238,000 newborns; and (d) 53,000 to 124,000 children with musculoskeletal and rheumatologic conditions like fractures and joint disorders.</p>
Best Use of Resource	<p>The best use of this resource is for those interested in health-specific information, including the number of children who are at risk of disenrolling and the type of medical attention needed by these children. Further, this resource provides evidence of the potential impact of the rule on children with special health care needs and for the argument that Medicaid is a lifeline for children and families.</p> <p>The resource is not intended for those interested in sub-national estimates or estimates by race/ethnicity. The resource also focuses on Medicaid/CHIP and is not intended for those looking for information on SNAP, housing, or other named benefits.</p>
Data available by subnational level?	No.
Data available for children?	Yes.
Data available by race/ethnicity?	No.
Data Source	2011 Medical Expenditure Panel Survey and National Health Interview Survey
Hyperlink	https://www.chcf.org/publication/changing-public-charge-immigration-rules/

FISCAL POLICY INSTITUTE

Title	Fiscal Policy Institute: “Only Wealthy Immigrants Need Apply” How a Trump Rule’s Chilling Effect Will Harm the U.S.
Date Published	October 10, 2018
Measurement	<p>People who may experience a chilling effect: The number of people who are likely to be nervous or confused about whether they should apply for benefits if they qualify and may either refrain from accessing benefits or disenroll from benefits. For this paper, it is defined as everyone who lives in a family with at least one non-citizen immigrant, and where someone in that family has received one of the public benefits named in the public charge rule.</p> <p>Disenrollment from programs: Among the people who experience a chilling effect, the portion that would go so far as to disenroll from programs in which they are eligible (i.e., scenarios of 15, 25, and 35 percent disenrollment from Medicaid and SNAP).</p> <p>Economic loss: Estimated loss of health care and food supports, economic ripple effects to businesses and workers, and jobs lost, as a result of disenrollment from assistance programs.</p>
Key Findings	Resource estimates that 24 million people, including 9 million children, who would be affected by the chilling effect of the proposed rule. At the higher disenrollment scenario (35%), the resource estimates \$17.5 billion in loss of health care and food supports, \$33.8 billion in potential economic ripple effects of this lost spending, and 230,000 in potential jobs lost because of this reduction in federal spending.
Best Use of Resource	<p>The best use of this resource is for those interested in national data on the chilling effect based on use of public benefits and the associated economic loss of the proposed rule, including reduction in health and food benefits, potential economic ripple effect, and jobs lost.</p> <p>The resource is not intended for those interested in sub-national estimates (aside from New York); however, you may contact FPI to request state-level data for other states. Further, the resource does not provide information on the race/ethnicity or other characteristics of the estimated chilled population.</p>
Data available by subnational level?	Yes, only available for New York state. Other state estimates are pending. No sub-state geographies available.
Data for children?	Yes, only for people who may experience a chilling effect.
Data by race?	No.
Data Source	Current Population Survey (2015 national, 2013-2015 state-level); disenrollment estimates developed by Kaiser Family Foundation; economic ripple effects developed by Economic Policy Institute (see pages 7-8)
Hyperlink	http://fiscalpolicy.org/public-charge

MANATT HEALTH

Title	Manatt Health: Public Charge Proposed Rule: Potentially Chilled Population Data Dashboard
Date Published	October 11, 2018
Measurement	Manatt estimates the universe of people who may experience a chilling effect, which either discourages them from accessing resources or leading them to disenroll from benefits, regardless of whether or not they are directly impacted by the rule change. This impact is estimated by calculating the number of individuals and family members with at least one non-citizen in the household who do not meet the criteria for the one “heavily weighted factor” in the totality of circumstances test, which is having less than 250% Federal Poverty Level (FPL) in earned income. This is calculated by family income, as opposed to household income, as the former is more conservative. The proposed public charge rule stipulates that, relative to immigrants with incomes above 250% FPL, immigrants with income below 250% FPL are more likely to be deemed a public charge, and those with income below 125% FPL are significantly more likely to be deemed a public charge.
Key Findings	Manatt estimates that 26 million people, including 9.2 million children, would be potentially chilled by the rule change. In addition, this resource demonstrates that the proposed rule change will have a disproportionate impact on communities of color, impacting: 18.3 million Latinos (33.4% of all Latinos), 3.2 million Asian residents (17.4% of all Asian residents), 1.8 million Black residents (4% of all Black residents, and 2.5 million white residents (1% of all white residents).
Best Use of Resource	<p>The best use of this resource is for those interested in subnational estimates of the potentially chilled population or estimates of impact by age and race/ethnicity. The resource allows for granular geographic estimates of the potentially chilled population, including by state, metro area, and county.</p> <p>As a broad estimate of the potentially chilled population, the resource does not account for specific factors in the totality of circumstance test. Therefore, the resource is not intended for those interested in factoring the use of specific public benefits, projecting disenrollment from public benefits, or measuring future immigration flows.</p>
Data available by subnational level?	Yes, data by age and race available at state-level. Data by income available at metro area and county level.
Data available for children?	Yes, at both the national and state-level.
Data available by race/ethnicity?	Yes, at both the national and state level.
Data Source	2012-2016 5-Year American Community Survey Public Use Microdata Sample
Hyperlink	https://www.manatt.com/insights/articles/2018/public-charge-rule-potentially-chilled-population

KAISER FAMILY FOUNDATION

Title	Kaiser Family Foundation: Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid
Date Published	October 11, 2018
Measurement	<p>Share of noncitizens who originally entered the U.S. without Lawful Permanent Resident (LPR) status who have characteristics that DHS could potentially weigh negatively in a public charge determination.</p> <p>Number of individuals who would disenroll from Medicaid under different scenarios.</p>
Key Findings	<p>Nearly all (94%) noncitizens who originally entered the U.S. without LPR status have at least one characteristic that DSH could potentially weigh negatively in a public charge determination.</p> <p>If the proposed rule leads to Medicaid disenrollment rates ranging from 15% to 35% among Medicaid and CHIP enrollees living in a household with a noncitizen, between 2.1 to 4.9 million Medicaid/CHIP enrollees would disenroll.</p>
Best Use of Resource	<p>The best use of this resource is for those interested in characteristics that DHS could consider in public charge determination, including age, family size, health status, family income, health coverage, public benefits, employment, education, and English proficiency, by citizenship status. See Appendix B for a list of characteristics that DHS could potentially weigh negatively or positively in a public charge determination. Further, the resource is intended for those looking for Medicaid/CHIP-specific information, including impact on disenrollment. Also, the resource provides a summary of DHS's Medicaid estimates and the assumptions associated with their estimated number of Medicaid disenrollees and reduction in Medicaid expenditures.</p> <p>The resource is not intended for those interested in sub-national estimates. The resource also focuses on Medicaid/CHIP and is not intended for those looking for information on SNAP, housing, or other named benefits.</p>
Data available by subnational level?	No.
Data available for children?	Yes, as a share of noncitizens who entered the U.S. without LPR status.
Data available by race/ethnicity?	Yes, as a share of noncitizens who entered the U.S. without LPR status.
Data Source	2014 Survey of Income and Program Participation (SIPP)
Hyperlink	https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/

Questions

If you have any questions about the resources, please contact Protecting Immigrant Families (PIF) Research Work Group Co-Leads Jackie Vimo (vimo@nilc.org) and Renato Rocha (rrocha@clasp.org). Also, please visit the [PIF website](#) for quick access to research, campaign resources, fact sheets, partner resources, community education resources, state-specific materials, and campaign events at <https://protectingimmigrantfamilies.org/resources/>.