



GRANTMAKERS CONCERNED WITH
IMMIGRANTS AND REFUGEES

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December 7, 2018

Samantha Deshombres
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

RE: *Comments on Proposed Regulation – Inadmissibility on Public Charge Grounds (DHS Docket No. USCIS-2010-0012)*

Dear Ms. Deshombres:

On behalf of Grantmakers Concerned with Immigrants and Refugees (GCIR), I am writing to express our strong opposition to the Department of Homeland Security's Notice of Proposed Rulemaking ("proposed rule") on "public charge," published in the Federal Register on October 10, 2018. We are submitting our comment via www.regulations.gov.

Who We Are

Founded in 1990, GCIR is a national network of foundations that informs, connects, and catalyzes philanthropy to protect the rights—and promote the inclusion—of immigrants, refugees, and asylum seekers in ways that strength our cohesion, vibrancy, and prosperity as a society. Our 135 member foundations make grants that support immigrant and refugees at the local, state, regional, and national levels.

GCIR's member foundations fund in every region of the country: 34% in the West and Mountain regions, 11% in the South, 10% in the Northeast, and 7% in the Midwest. In addition, 38% of our member foundations fund in multiple regions of the country and nationally. Their funding priorities include education, health, employment, legal services, civic participation, social and economic justice, racial equity, and other concerns affecting immigrant and other marginalized children, youth and families.

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Daranee Petsod
President

What We Believe

GCIR's work is guided by a fundamental belief in democratic ideals; the values of fairness, equity, and justice; the sanctity of family; and a recognition that communities thrive when *all residents* have the opportunity to contribute to the economic, cultural, social, and civic fabric. We believe that immigrants and refugees, working with native-born Americans, play a central role in building secure, vibrant, and cohesive communities. How our country treats them ultimately reflects who we are as a people.

GCIR also believes that public services and systems are vital to the stability of families, a healthy economy, and strong communities. Indeed, our member foundations and the broader philanthropic sector rely on a functioning government system to provide for basic needs onto which philanthropy may build and innovate.

Why We Oppose the Public Charge Rule

The proposed rule would compromise philanthropic investments, put additional strain on the organizations that serve immigrants and the poor, and cause many immigrant families to avoid using public benefits they are eligible for, thus putting their health, wellbeing, and future success at risk. Not only would the proposed rule undermine the ability of immigrants to contribute fully to our society, it would also create countless adverse ripple effects in communities across the country. The proposed changes to the public charge rule would:

- ***Compromise Philanthropic Investments That Strengthen Communities.*** Our member foundations seek to promote strong social and economic outcomes for immigrants and their families in urban and rural areas across the country. The proposed rule would undermine decades of funding to increase immigrant families' access to health and social services, reduce racial and ethnic disparities, improve community health and wellbeing, help families weather short-term financial pressures and unexpected illnesses, and facilitate long-term self-sufficiency and upward mobility.
- ***Threaten the Delivery of Vital Services.*** The proposed rule would put tremendous strain on the organizations and institutions that work with and provide services to immigrants and their children, including hospitals, community centers, social service agencies, and food banks, among others. Philanthropy would be compelled to divert resources from other programs to help these organizations meet the increased need. Yet our sector lacks both the scale of resources and the delivery mechanisms deployed by the government to effectively fill the gap.

- ***Deter Eligible Families from Accessing Services.*** The fear of immigration consequences has already led many immigrants to dis-enroll themselves and their children from programs for which they qualify. If this rule were implemented, millions more would follow, whether or not the change actually applies to them. The proposed regulation would have a major “chilling effect” on immigrant families who will face the untenable choice between using vital programs for which they remain eligible and keeping their families together. This would not only create fear among the families of immigrants without a green card, but those of green-card holders and naturalized citizens as well.

This not the first time we've seen this happen. Following the passage of the 1996 welfare reform law, use of public benefits by individuals who remained eligible under the new restrictions plummeted.¹ One recent study estimates that 875,000 to 2 million citizen children with a non-citizen parent could drop off of Medicaid/CHIP coverage despite remaining eligible, increasing their uninsured rate from 8% to between 14% and 22%.² Another study estimates that 560,000 more citizen children would fall into poverty if mixed-status and non-citizen households do not take up SNAP and WIC.³

- ***Erode the Ability of Immigrants to Contribute to Society.*** The rule would change the terms by which immigrants can come to the United States and discriminate against those immigrant strivers who come to America with little but have so much to contribute. Past waves of immigrants just like them, with their grit and determination, have built America into the powerhouse that it is today.

Our Members Overwhelmingly Oppose the Rule

In November, GCIR conducted a survey of our members to understand the potential impact of the proposed rule on their work. Survey findings show that the vast majority of our members believe the rule would undermine their philanthropic goals and ability to achieve their missions, as well as strain grantee organizations that work with immigrant families. **Our poll received an exceptionally high response rate of**

¹ Food Stamp use fell by 53 percent among US-citizen children in families with a noncitizen parent and by 60 percent among refugees – even though the welfare reform law did not restrict the eligibility of either group for the program. See studies summarized in MPI, “Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families’ Public Benefit Use,” June 2018.

² See Kaiser Family Foundation, “[Potential Effects of Public Charge Changes on Health Coverage for Citizen Children.](#)”

³ Columbia University, [Center on Poverty and Social Policy.](#)

72% (97 of 135 members), a telling indicator of how worrisome the proposed rule is to our members and how actively engaged they are in the issue. As explained in greater detail below, **our members believe the rule would have adverse effects, and despite having diverse goals and priorities, they are united in opposition to it.** Here are the results of our survey:

- *Will your foundation's mission and goals be more difficult to achieve if the public charge rule goes into effect?*

79% of respondents answered YES to this question; 14% responded Don't Know. One respondent noted: "If the intent of public charge is to create fear, anxiety and chaos, mission accomplished. But there will be long-term effects on the overall health and prosperity of our nation too. Public charge is both bad for the economy and for the soul of this country. Philanthropy will not be able to put this Humpty Dumpty back together."

- *Do you expect additional strain on your grantees to meet the needs of families who will no longer use public benefits because of the rule?*

85% of our respondents answered YES to this question; 8% responded Don't Know.

- *Do you have resources to fund "replacement services" for the benefits that many immigrant families will no longer feel comfortable accessing?*

76% of our respondents answered NO to this question; 20% responded Don't Know. One respondent commented that "We believe it's important to very clearly state that philanthropy will not be able to step into the gaps created as a result of expanded scope of public charge and the fear, confusion and chilling effect this will create."

- *Are you opposed to the proposed "public charge" rule?*

A staggering 92% of our respondents answered YES to this question. An additional 7% responded Don't Know. In the words of one respondent, "If the public charge rule becomes a reality, we would stand strongly against it. We believe the rule would cause serious harm in our communities and is completely unjust."

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In subsequent conversations with our members, we learned that many of the “Don’t Know” responses reflected the fact that the survey respondents in question were still in the process of discussing the matter internally with their colleagues and were not yet in a position to give a definitive response. Many have since clarified their positions in opposition to the rule and with greater certainty about the harmful effects on their own foundations and their grantees. However, those subsequent clarifications are not reflected in the statistics above.

GCIR’s members are foundations that invest millions of dollars annually to strengthen the wellbeing and resilience of families and build cohesive and vibrant communities across the United States. That the vast majority of them stand in opposition to the proposed public charge rule sends a clear message that the implementation of this proposal would have dire consequences for families and communities across our country. We urge you to consider the far-reaching impact and withdraw the rule.

Sincerely,

A handwritten signature in cursive script that reads "Daranee Petsod".

Daranee Petsod
President