



Submitted via www.regulations.gov

December 6, 2018

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)

To Whom It May Concern:

I am writing on behalf of the Kenneth Rainin Foundation (Rainin Foundation) 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. The proposed rule would cause major harm to immigrants and their families and place a tremendous burden on localities, states, and philanthropy. ***We urge that the rule be withdrawn in its entirety, and that the 1999 guidance remain in effect.***

Founded over 10 years ago, the Kenneth Rainin Foundation enhances quality of life by championing the arts, promoting early childhood literacy, and supporting research to cure chronic disease. Immigrants are integral to every aspect of our society and an important part of the Rainin Foundation’s work—artists creating the Bay Area’s vibrant culture, teachers, parents, and caregivers who are helping Oakland children be successful in school and life, and scientists who are researching cures for Inflammatory Bowel Disease. The proposed rule threatens to cause lasting damage to our region and undermine our significant philanthropic investments in the arts, education, and health.

The Well-Being of Immigrant Families is Critical to Strong Communities

Many adults, and the children they are teaching, are immigrants. We know that children learn through relationships, which is why the Rainin Foundation invests significantly in supporting the adults who love and teach them, and empowering them with proven tools to help our next generation be successful in school and life.

The proposed rule undermines the fundamental values upon which our country was built, including opportunity and economic security. The contributions of immigrants to broader society are well documented. Immigrants are a large and growing share of the workforce, pay taxes,

and support local economies as consumers and entrepreneurs.¹ From job creation to higher wages to community revitalization, the full inclusion of immigrants in our communities brings a host of positive economic impacts, benefiting everyone in the community.²

The proposed rule would be especially detrimental to communities across Northern California. It will undercut the health and well-being of millions of immigrant families and exacerbate hunger, child poverty, and homelessness among immigrants and children who are U.S. citizens living in mixed-status families. A report by the Kaiser Family Foundation estimates that nearly all noncitizens that entered the United States without legal permanent resident status have at least one characteristic that could potentially weigh negatively against them in a public charge determination under the proposed rule.³ California is home to 10.7 million—almost a quarter—of the nation’s immigrants.⁴ Because immigrants are interwoven throughout our social and economic fabric, the negative consequences of the proposed rule and its chilling effects will reverberate across the communities where they live and work.⁵

The Proposed Rule Harms Children & Their Healthy Development

When there are investments in nutrition, health care, and other basic human rights, children continue to learn, parents maintain employment, and families contribute more fully to our communities. The policies articulated in the proposed rule would deter immigrant families from seeking the help they need to lead a healthy and productive life. Targeting low-income families will impact the health, development, and economic outcomes of generations to come.

One in four children in the U.S.—nearly 18 million children—has at least one immigrant parent.⁶ The vast majority of these children—about 88 percent or 16 million—are U.S. citizens.⁷ Currently more than eight million citizen children with an immigrant parent have Medicaid/CHIP coverage.⁸ However, seven percent of citizen children with an immigrant parent still lack any health insurance coverage.⁹ In 2009 eight percent of all Supplemental Nutrition Assistance Program (SNAP, formerly food stamps) participants and 17 percent of child participants were citizen children living with noncitizen adults.¹⁰

¹ See PolicyLink, *Immigrant Inclusion: Good for Families, Communities, and the Economy* (2016).

² *Id.*

³ See Samantha Artiga, et al., *Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid*, Kaiser Family Foundation (October 2018).

⁴ See Jeanne Batalova, et al., *Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families’ Public Benefits Use*, Migrant Policy Institute (June 2018).

⁵ *Id.*

⁶ Migration Policy Institute, *Children in U.S. Immigrant Families 2016*, <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families>

⁷ *Id.*

⁸ Samantha Artiga & Anthony Damico, *Nearly 20 Million Children Live in Immigrant Families that Could Be Affected by Evolving Immigration Policies*, Kaiser Family Foundation, (Apr. 18, 2018), <https://www.kff.org/disparities-policy/issue-brief/nearly-20-million-children-live-in-immigrant-families-that-could-be-affected-by-evolving-immigration-policies/>.

⁹ *Id.*

¹⁰ Tracy Vericker, et al., *Effects of Immigration on WIC and NSLP Caseloads*, Urban Institute, (Sept. 2010), available at <https://www.urban.org/sites/default/files/publication/29156/412214-Effects-of-Immigration-on-WIC-and-NSLP-Caseloads.PDF>.

Children in immigrant families are more likely to face certain hardships and are already less likely to secure help due in part to complex eligibility rules that create barriers for immigrant families.¹¹ However, like all children, children in immigrant families benefit when they have access to programs and services that promote their development. The health of parents and children is inextricably linked, and children do better when their parents are mentally and physically healthy and able to care for them. Research demonstrates that safety net programs such as SNAP and Medicaid have short and long-term health benefits and are crucial levers to reducing the intergenerational transmission of poverty.¹²

The value of access to public benefits is well documented. Multiple studies confirm that early childhood or prenatal access to Medicaid and the SNAP improves health and reduces reliance on cash assistance. Compared to children in immigrant families without SNAP, families with children who participate in the program have more resources to afford medical care and prescription medications.¹³ An additional year of SNAP eligibility for immigrant parents with young children is associated with significant health benefits in later childhood and adolescence.¹⁴ Children in immigrant families with health insurance coverage are more likely to have a usual source of care and receive regular health care visits, and are less likely to have unmet care needs.¹⁵ Children with access to Medicaid have fewer absences from school, are more likely to graduate from high school and college, and are more likely to have higher paying jobs as adults.¹⁶ Essential health, nutrition and housing assistance prepares children to be productive, working adults.

The Proposed Rule Rolls Back Philanthropic Investments

The proposed rule will roll back decades of investments by philanthropy to increase immigrant families' access to health and social services, reduce racial and ethnic disparities, and increase educational opportunities. The Rainin Foundation is concerned that the proposed rule will undo the valuable progress we have made towards improving child literacy and student well-being in local public schools. The organizations we support provide an array of resources to enhance children's well-being and reading success. We are committed to unlocking the potential of our community's youngest learners and ensuring that every child has the opportunity to succeed.

Children in immigrant families do not live in isolation. They live and grow up in communities where their individual success is critical to the strength of the country's future workforce and our collective economic security. The proposed rule will fundamentally and adversely impact the

¹¹ Curtis Skinner, SNAP Take Up Among Immigrant Families With Children, Columbia University National Center for Children in Poverty, (Mar. 2011), available at http://www.nccp.org/publications/pdf/text_1002.pdf.

¹² Page, Marianne, "Safety Net Programs Have Long-Term Benefits for Children in Poor Households", Policy Brief, University of California, Davis, 2017 https://poverty.ucdavis.edu/sites/main/files/file-attachments/cpr-health_and_nutrition_program_brief-page_0.pdf

¹³ Children's Health Watch, *Report Card on Food Security and Immigration: Helping Our Youngest First-Generation Americans To Thrive*, 2018, <http://childrenshealthwatch.org/wp-content/uploads/Report-Card-on-Food-Insecurity-and-Immigration-Helping-Our-Youngest-First-Generation-Americans-to-Thrive.pdf>

¹⁴ Chloe N. East, "The Effect of Food Stamps on Children's Health: Evidence from Immigrants' Changing Eligibility," Working Paper, 2017, http://www.chloeneast.com/uploads/8/9/9/7/8997263/east_fskids_r_r.pdf.

¹⁵ Christine Percheski and Sharon Bzostek, "Public Health Insurance and Health Care Utilization for Children in Immigrant Families," *Maternal and Child Health Journal* 21 (2017).

¹⁶ Karina Wagnerman, Alisa Chester, and Joan Alker, *Medicaid is a Smart Investment in Children*, Georgetown University Center for Children and Families, March 2017, <https://ccf.georgetown.edu/2017/03/13/medicaid-is-a-smart-investment-in-children/>.

well-being of children and communities across California and the nation. Therefore, we urge that the rule be withdrawn in its entirety.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jen".

Jennifer Rainin, PhD
Chief Executive Officer