



December 10, 2018

Submitted via www.regulations.gov

Samantha Deshommes, 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. Deshommes:

I am writing on behalf of Northern California Grantmakers (NCG) 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 **We urge that the rule be withdrawn in its entirety, and that the 1999 guidance remain in effect.**

Northern California Grantmakers is a regional association of more than 190 grantmaking organizations and over 2000 individuals whose combined grantmaking exceeds \$3 billion annually. Just over a third of California's grantmaking foundations are located in the Bay Area, and more than half of the state's total giving came from Bay Area philanthropic institutions. NCG brings philanthropy together to build healthy, thriving and just communities in Northern California. We work collaboratively with government, business, and nonprofits to address the complex social issues in our diverse and dramatically changing region. We strongly oppose the proposed rule for the following reasons.

The Proposed Rule Ignores Immigrants' Contributions to the Wealth, Vibrancy, and Success of Northern California

California's \$2.7 trillion economy makes it the fifth largest economy in the world behind the United States, China, Japan, and Germany. If it were a country, the Bay Area would be the world's 19th largest economy with a yearly GDP of \$748 billion. Much of our region's wealth and success is due to the contributions of immigrants. From founding major multinational corporations to making up a substantial part of the American workforce, immigrants contribute the tax dollars, labor, and ideas that keep our economy strong and growing. Nationally,

immigrants make up approximately 17 percent of the labor force and more than half work in four major industry areas – educational services, health care, and social assistance; professional, scientific, management, administrative, and waste management services; arts, entertainment, recreation, accommodation, and food services; and manufacturing.¹

The proposed rule ignores immigrants' contributions to our economy and instead misguidedly presumes that immigrants are overly dependent on public benefits. In actuality, immigrants underutilize benefits and services. One million Latino children, 95 percent of whom are U.S. citizens and a significant portion of whom are children of immigrants, are eligible for Medicaid or CHIP but are not enrolled.² If there is a "problem" regarding immigrant families' utilization of public benefits, it is underuse relative to need, with immigrants excluded from many public benefits supported by their tax payments, and far too many immigrants going without benefits for which they are eligible, due to misinformation and fear.

Moreover, the proposed rule unfairly penalizes hardworking immigrants. Immigrants have high rates of employment³ but often work in jobs that pay them less and are therefore less likely to provide them with employer sponsored health insurance⁴ than their U.S.-born counterparts. Billions in taxes paid by immigrant families help support all government programs. Yet low-income children with foreign-born parents are less likely to receive SNAP or Medicaid than are children with U.S.-born parents.⁵

Los Altos-based Grove Foundation founding trustee and NCG member Eva Grove recently reflected how the proposed rule would have impacted her and her late husband Andy Grove, founder and former CEO of Intel. Arriving in the United States as immigrants during the 1950s with limited English skills and little money, Mrs. Grove notes that "under the proposed rule by the Trump administration, our lack of English proficiency, relative poverty and the fact that we

¹ Dan Kosten, "Immigrants as Economic Contributors: They are the New American Workforce," National Immigration Forum (June 5, 2018), available at: <https://immigrationforum.org/article/immigrants-as-economic-contributors-they-are-the-new-american-workforce/>.

² Georgetown University Health Policy Institute Center for Children and Families and National Council of La Raza, "Latino Children's Coverage Reaches Historic High, But Too Many Remain Uninsured," (December 2016), available at: https://ccf.georgetown.edu/wp-content/uploads/2016/12/LatinoChildren12_15.pdf.

³ In 2017, the labor force participation rate for foreign-born workers was 66 percent, as compared to 62 percent for native-born workers. See U.S. Department of Labor, Bureau of Labor Statistics, "[Foreign-Born Workers: Labor Force Characteristics—2017](#)."

⁴ Samantha Artiga, et al., "Potential Effects of Public Charge on Health Coverage for Citizen Children," Kaiser Family Foundation (May 18, 2018), available at: <https://www.kff.org/disparities-policy/issue-brief/potential-effects-of-public-charge-changes-on-health-coverage-for-citizen-children/>.

⁵ Ibid.

received some assistance while we were settling in the United States would count against us.”⁶ Under the proposed rule, immigrants like Eva and Andy Grove, who went on to pioneer work in the manufacture of semiconductors, revolutionize the computer industry, found a major multinational corporation, and launch a national charitable foundation, would “find it impossible to achieve permanent residence” in the United States.

The Proposed Rule Jeopardizes the Wellbeing of Children and Families and Would Exacerbate Disparities Across Northern California

The proposed rule would create a chilling effect – making individuals afraid to access programs and undermining access to critical health, food, and other supports for eligible immigrants and their families. Among the most harmed by the proposed rule are children, including U.S. citizen children, who would likely decrease participation in support programs, despite remaining eligible.

Research conducted in 2017 and 2018 confirms that anti-immigrant federal policy and rhetoric continue to create barriers in access to health and nutrition programs for people in immigrant families. Partners in health and social services have noticed an increase in canceled appointments and requests to disenroll from government programs such as SNAP and Medi-Cal since the proposed rule was first reported. Researchers have also found that early childhood education programs reported drops in attendance and applications as well as reduced participation from immigrant parents in classrooms and at events, along with an uptick in missed appointments at health clinics.⁷ Another recent study found that immigrant families – including those who are lawfully present – are experiencing resounding levels of fear and uncertainty across all background and locations.⁸ In a 2018 survey of health care providers in California, more than two-thirds (67 percent) noted an increase in parents’ concerns about enrolling their children in Medi-Cal (California’s Medicaid program), WIC and CalFresh (California’s SNAP program), and nearly half (42 percent) reported an increase in skipped scheduled health care appointments.⁹

⁶ Eva Grove, “Opinion: Trump Proposal Would Have Closed Door to Andy Grove,” The Mercury News, (Nov. 21, 2018), available at: <https://www.mercurynews.com/2018/11/21/opinion-trump-proposal-would-have-closed-door-to-andy-grove/>.

⁷ Hannah Matthews et al, “Immigration Policy’s Harmful Impacts on Early Care and Education,” The Center for Law and Social Policy (March 2018), available at: https://www.clasp.org/sites/default/files/publications/2018/03/2018_harmfulimpactsece.pdf

⁸ Samantha Artiga, Raphael Garfield, and Anthony Damico “Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid”, Kaiser Family Foundation (Oct. 11, 2018), available at: <https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/>.

⁹ The Children’s Partnership, “California Children in Immigrant Families: The Health Provider Perspective,” (last accessed Dec. 6, 2018), available at: <https://www.childrenspartnership.org/wp-content/uploads/2018/03/Provider-Survey-Infographic-.pdf>.

Funders in Northern California have made tremendous investments to increase families' access to health and social services. Many of our members have partnered with advocates and community-based organizations to decrease the number of uninsured adults in California and ensure that all children are enrolled in Medi-Cal. The proposed rule would roll back years of investments by philanthropic organizations to improve the health of children and families across Northern California. Already the "chilling effect" of the proposed rule is being seen in doctor's offices, schools, and other direct service programs across the state. 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%.¹⁰ Another study estimates that 560,000 more U.S. citizen children would fall into poverty if mixed status and non-citizen households do not take up SNAP and WIC.¹¹

In a region already rife with disparities, Northern California can ill afford to cede any progress it has made in ensuring equal access to health, nutrition, and housing for its residents. The harms flowing from the proposed rule will ripple across our region and throughout our economy. They will undercut the health and well-being of millions of immigrant families and exacerbate hunger, child poverty, and homelessness among immigrants and U.S. citizen children living in mixed-status families. And because immigrant families are interwoven into our social and economic fabric, these negative consequences will reverberate across the communities where we all live and work.¹²

The Proposed Rule Will Hinder Philanthropy's Ability to Invest in Creative Solutions to Advance the Common Good

The proposed regulations would place an extraordinary, unprecedented burden on philanthropy and negatively impact the capacity of our sector to partner with the public sector to advance shared goals and incubate innovative solutions. As Medicaid and SNAP-eligible immigrants turn away from legally available benefits, our partners in the nonprofit sector will bear the brunt of the chilling effects of the proposed regulation. In turn, nonprofits already grappling with scarce resources will further turn to philanthropy to assist in the health and safety of children and families. As more philanthropic dollars are diverted towards direct services, investments in innovative solutions and public-private partnerships to catalyze new ideas will diminish.

¹⁰ Samantha Artiga, "Potential Effects of Public Charge on Health Coverage for Citizen Children."

¹¹ Jennifer Laird, et al., "Forgoing Food Assistance Out of Fear," *Columbia University Center on Poverty and Social Policy* (March 28, 2018), available at: <https://www.povertycenter.columbia.edu/news-internal/2018/3/28/changes-to-public-charge-rule-may-put-500000-more-us-citizen-children-at-risk-of-moving-into-poverty>.

¹² Jeanne Batalova, et al., "Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefit Use," *Migration Policy Institute* (June 2018), available at: <https://www.migrationpolicy.org/research/chilling-effects-expected-public-charge-rule-impact-legal-immigrant-families>.

Moreover, while philanthropy is well-suited to supplement and enhance public services, philanthropy cannot replace government funding for core human services that support the health of our communities.

For the above reasons, we strongly urge DHS to withdraw the proposed “public charge” rule. If you have any questions regarding this subject, please contact Cecilia Chen, Director of Public Policy, at (415) 872-1016 or cchen@ncg.org. Thank you for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "Ellen LaPointe". The signature is stylized and cursive, with a prominent flourish at the end.

Ellen LaPointe
President & CEO
Northern California Grantmakers