

November 29, 2018

Submitted via www.regulations.gov

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 Sir or Madam:

I am writing on behalf of the Annie E. Casey 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 Annie E. Casey Foundation is devoted to developing a brighter future for millions of children at risk of poor educational, economic, social and health outcomes. Our work focuses on strengthening families, building stronger communities and ensuring access to opportunity, because children need all three to succeed.

In line with our mission, we oppose the proposed rule changes because they threaten the path to opportunity for the millions of children and youth who are sons and daughters of immigrants or are immigrants themselves. Much of the country's future success depends on whether we equip these young people with the tools and skills that help them learn, develop and contribute to civic life. We need all children to reach their full potential if we are to reach ours as a nation.

Today's children in immigrant families, like their predecessors in previous centuries, will end up contributing to the nation's prosperity if given a chance. The National Academies of Sciences, Engineering and Medicine found that public investments in immigrant children, like all public investments in children, create an initial cost to governments, primarily at the state and local levels, but then generate growing benefits. "Immigrants' children — the second generation — are among the strongest economic and fiscal contributors in the population," the National Academies found. From 2011–2013, it is estimated that second-generation adults created an economic benefit of \$30.5 billion and the third and later generations created \$223.8 billion. In the coming

years, immigration will be the primary source of labor force growth in an increasingly aging population. ¹

One in four children in America have an immigrant parent, numbering nearly 18 million.² Although most immigrant parents are in the workforce, only 47 percent of children in immigrant families live in households with incomes above 200 percent of poverty. ³ This means that more than half struggle to make ends meet. This regulation will force millions of parents to weigh the risk of gaining lawful permanent residency against the risk of denying their families access to safe housing, adequate food and health care.

As a foundation, we understand that investing in nutrition, health care, and other essential needs keeps children learning, parents working, and families strong, and allows all of us to contribute fully to our communities. Health and nutrition assistance helps people working low-wage jobs and their families stay healthy, thrive, and contribute to society. Multiple studies demonstrate that benefits targeted by the proposed regulation, such as Medicaid and SNAP, increase children's lifelong health and their self-sufficiency in adulthood.⁴

Creates Chilling Effect on Eligible Families.

The proposed regulation will force immigrant families to choose between using vital programs for which they are eligible and keeping their families together. This untenable, cruel choice is likely to create fear among the families of immigrants without a green card, but also those of green card holders and naturalized citizens as well. An estimated 24 million people, including nine million children, could be affected by this unnecessary stoking of fear and discouragement from accessing benefits for which they are eligible.⁵

The negative impacts of the proposed rule could ripple across the country and the economy. It will undercut the 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 part of our social and economic fabric, these negative consequences will reverberate across the communities where they live and work.⁶ Should the proposed rule be implemented it could result in a loss of \$17.5 billion in health care and food supports, \$33.8 billion in

¹ The Annie E. Casey Foundation, [Race for Results](#) 2017.

² Ibid

³ Ibid

⁴ Hoynes and Schanzenbach, Brookings Institution "[Safety Net Investments in Children](#)." March 8, 2018.

⁵ Fiscal Policy Institute, "[Only Wealthy Immigrants Need Apply "How a Trump Rule's Chilling Effect Will Harm the U.S.](#)" October 10, 2018.

⁶ Batalova, Fix and Greenberg Migration Policy Institute, "[Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefit Use](#)." June 2018.

potential lost spending, and 230,000 potential jobs lost because of this reduction in federal investments.⁷

Negative Impacts on Children’s Health.

Medicaid and the Children’s Health Insurance Program (CHIP) provide essential healthcare to America’s neediest children and have widespread and long-lasting positive outcomes for children and their families. The proposed rule includes Medicaid as a part of public charge determinations and requests comments on whether to include CHIP. The inclusion of either of these programs could drastically threaten the health and well-being of American children.

Today, more than one in three children in the United States are covered by Medicaid and/or CHIP. Thanks to these public programs, the number of uninsured children has fallen to record lows. During a time when fewer people have access to employer sponsored health insurance, the rate of uninsured children was reduced by half between 2009 and 2016, from nine percent to four percent.⁸

Children receive essential, child-specific services through these programs that would not otherwise be available to them including developmental assessments for infants and young children, well-child visits, vision, dental, and hearing services. Obtaining access to healthcare through Medicaid and CHIP also offers many long-term benefits for children. Children who received health care through Medicaid have better health in childhood and lower rates of hospitalization and emergency department visits in later life. As adults, they have improved educational attainment and pay more in taxes due to higher earnings in adulthood.⁹

Today, children living with an immigrant parent are more likely to be uninsured than those living with U.S.-born parents. Thankfully, millions of immigrants and their families use Medicaid to provide affordable health care. About 16.3 million immigrants, or about 39 percent, are in families in which someone receives Medicaid or CHIP and about eight million of these are citizen children. Since 2009, 34 states and the District of Columbia opted to expand their health programs to include all lawfully present immigrant children.

One recent study estimated that approximately 700,000 to 1.7 million children living in households with at least one noncitizen adult are likely to be disenrolled from Medicaid or CHIP if the public charge rule is changed.¹⁰ If a family withdraws from the use of these programs due to a public charge concern, the family is at risk of potential

⁷ Fiscal Policy Institute, “[Only Wealthy Immigrants Need Apply “How a Trump Rule’s Chilling Effect Will Harm the U.S.](#)” October 10, 2018.

⁸ The Annie E Casey Foundation, [2018 KIDS COUNT Data Book](#).

⁹ Kaiser Family Foundation, “[10 Things to Know about Medicaid: Setting the Facts Straight.](#)” Updated April 12, 2018

¹⁰ California Health Care Foundation. “Changing Public Charge Immigration Rules: The Potential Impact on Children Who Need Care”, October 23, 2018. <https://www.chcf.org/publication/changing-public-charge-immigration-rules/>

untreated illness, lost work days due to illness, and medical bankruptcy. Studies show that children are less likely to have their own coverage if their parents are uninsured, so a parent's loss of coverage will almost certainly have negative effects on their children.¹¹

The proposed rule would negatively impact child nutrition and food security.

When children lack the necessary resources for consistent access to healthy food, they are at risk for malnutrition and other adverse health, educational, and developmental consequences.¹² Not only do children remain more susceptible to food insecurity than the general population, the risk is even higher for children of immigrants.¹³

The proposed rule includes receipt of the Supplemental Nutrition Assistance Program (SNAP) in public charge determinations. As the largest federal assistance program serving children, SNAP is the first line of defense to prevent children from suffering the ill effects of hunger. Beyond its role in fighting food insecurity, SNAP benefits lifted 1.5 million children out of poverty in 2017 alone.¹⁴

There are millions of children with immigrant parents participating in SNAP (3.9 million of whom are U.S. citizens) who could have less food because of this proposed rule. By design, SNAP benefits grow with the size of a household, because they are intended to put food on the table for the whole family. If parents lose access to the program, the whole family will have less to eat.

This rule would negatively impact family economic stability.

Housing Assistance

A lack of access to affordable housing remains one of the biggest barriers to economic stability for many families. Housing costs continue to increase in the United States, yet family income has not kept pace. The 2018 *KIDS COUNT Data book* shows that 23.6 million children live in families with a high housing cost burden – leaving less resources for food, clothing and medicine and other essential needs.¹⁵

¹¹ Georgetown Center for Children and Families. "Health Coverage for Parents and Caregivers Helps Children", March 2017, <https://ccf.georgetown.edu/wp-content/uploads/2017/03/Covering-Parents-v2.pdf>

¹² Child Trends, "Food Insecurity: Indicators of Child and Youth Wellbeing," Child Trends Data Bank, December 2016, <https://www.childtrends.org/indicators/food-insecurity>

¹³ Mariana Chilton and Maureen M. Black, et. al, "Food Insecurity and Risk of Poor Health Among US-Born Children of Immigrants." *American Journal of Public Health*, March 2009, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2661461/>

¹⁴ Liana Fox, "The Supplemental Poverty Measure: 2017," United States Census Bureau, September 2018, <https://www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf>

¹⁵ The Annie E Casey Foundation, 2018 KIDS COUNT Data Book <https://www.aecf.org/resources/2018-kids-count-data-book/>

Yet access to housing assistance already remains limited for families – only one in four families who are eligible for rental assistance in the United States receive it. Access is further limited based on immigration status – only U.S.-born individuals and or those who are ‘qualified’ immigrants are eligible for the program.¹⁶

This rule would further limit access to housing assistance for families with children. The primary housing assistance programs that serve families with children, Section 8 Housing Choice Vouchers, Section 8 Project Based Rental Assistance and Public Housing are all explicitly included in the rule.

Research shows that rental assistance for households with children improves child outcomes and family economic security. Housing assistance lifts about a million children out of poverty each year,¹⁷ and can improve a child’s chances for long-term economic mobility. One study finds that children in households receiving Housing Choice vouchers have higher adult earnings and a lower chance of incarceration.¹⁸

Access to affordable housing provides stability for families and frees up income for other necessities. Low-income households with children that pay more than half of their monthly income on rent spend considerably less on other necessities: they spend \$200 less per month on food, nearly \$100 less on transportation, and about \$80 less on healthcare.¹⁹

Supplemental Security Income (SSI) program and Temporary Assistance for Needy Families (TANF) program

Keeping both SSI and TANF benefits in the public charge determination will continue to be detrimental to children and families’ economic stability. The goal of SSI is to offset

¹⁶ 42 U.S. Code § 1436a - Restriction on use of assisted housing by non-resident aliens
<https://www.law.cornell.edu/uscode/text/42/1436a>

¹⁷ Trudi Renwick and Liana Fox, “The Supplemental Poverty Measure: 2016”, United States Census Bureau, September 2017,
<https://www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf>

¹⁸ Fredrik Andersson, John C. Haltiwanger, et. Al, “Childhood Housing and Adult Earnings: A Between-Siblings Analysis of Housing Vouchers and Public Housing,” National Bureau of Economic Research Working Paper No. 22721, Revised September 2018, <http://www.nber.org/papers/w22721>.

¹⁹ “The State of the Nation’s Housing 2018”, Joint Center for Housing Studies of Harvard University, tabulations of US Bureau of Labor Statistics, 2016 Consumer Expenditure Survey, 2018,
http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf

the financial burden associated with disabilities for families.²⁰ SSI enhances the opportunity for a child with disabilities to achieve an independent and rewarding life. Once a child begins receiving SSI, the likelihood they will experience poverty decreases by about 11 percent.²¹

Continuing to include SSI benefits in the public charge determination is cruel to children with disabilities and to the families caring for them. When children and families are threatened with being declared a public charge because of the very program that helps them access the health care they need, like SSI, their day-to-day health, safety, and well-being are threatened.

The TANF program is the only source of federal cash assistance for families with children. While the overwhelming majority of TANF recipients are children, fewer and fewer children are receiving cash assistance, with just under 25 percent of all poor families with children receiving cash assistance today.²² Keeping TANF as part of the public charge determination will only continue to further restrict the limited access that children and families have to cash assistance. Reaching economic security is a long road for many families. While parents and caregivers are working towards upward mobility, we need to ensure that every family is provided with enough cash assistance to provide sufficient resources for children while their brains are undergoing critical stages of development.

Strains Nonprofit Capacity

The proposed rule could roll back decades of gains by philanthropy to increase immigrant families' access to health and social services, reduce racial and ethnic disparities, improve community health and wellbeing, help families weather temporary financial pressures and illnesses, and facilitate long-term self-sufficiency and upward mobility. These effects will be felt by foundations like ours that seek to promote family

²⁰ Council on Children with Disabilities, "Supplemental Security Income (SSI) for Children and Youth with Disabilities," *American Academy of Pediatrics*, 124(6), December 2009, <http://pediatrics.aappublications.org/content/124/6/1702>

²¹ Mark Duggan and Melissa Schettini Kearney, "The Impact of Child SSI Enrollment on Household Outcomes: Evidence from the Survey of Income and Program Participation," The National Bureau of Economic Research Working Paper No. 11568, Revised January 2007, <http://www.nber.org/papers/w11568>

²² Ife Floyd, LaDonna Pavetti and Liz Schott, "TANF Reaching Few Poor Families," Center on Budget and Policy Priorities, December 13, 2017, <https://www.cbpp.org/research/family-income-support/tanf-reaching-few-poor-families>

economic security, as well as businesses that employ immigrants, schools that educate children, and communities where these families live and contribute.

Should the proposed rule be put into effect, it will 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 will be compelled to divert resources to support them as they seek to meet the increased need. Yet our sector will never be able to fill the gap, since we lack both the scale of resources and the delivery mechanisms deployed by the government.

Immigrant households in the United States already face significant structural and cultural barriers to economic security, including barriers that prevent them from accessing critical assistance. The impact of this proposal would only further exacerbate this disparity by negatively impacting the ability of low-income, immigrant families to meet their basic needs. The implementation of this rule, coupled with its inevitable chilling effect, will directly harm both children and adults in immigrant families, as their families choose not to access crucial benefit programs despite rightful eligibility.

We urge the administration to reconsider these changes to the public charge determination and ensure that all children have access to opportunity. All children are our children, and all our children will play a role in our future. We must create a better future for them and for the country's prosperity.

Sincerely,

Patrick McCarthy,
President and CEO
The Annie E Casey Foundation