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Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

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Dear Madam,

United Way of Buffalo & Erie County appreciates the opportunity to comment on the proposed rule changes for public charge determinations. United Way brings together the caring power and resources of more than 1,100 communities across the United States. Together, we fight for the health, education and financial stability for every person in every community. We help working families to become financially stable and independent, with access to quality healthcare, and to ensure all children succeed in school, ready for family-sustaining jobs and careers. We respectfully urge the Department of Homeland Security to reject the proposed public charge rule which would reduce access to healthcare, nutrition, and housing supports and cause harm to children and working families across the United States.

**About the Public Charge Determination**

The proposed changes to the public charge rule would broaden the public charge definition and expand the totality of circumstances and benefit programs the federal government would consider in its determination. **We are deeply concerned that these proposed rule changes will harm children and working families in the Buffalo and Erie County area and in turn hurt our economy and the well-being of the community we serve.**

The proposal changes the definition of public charge from a person *“likely to become primarily dependent on the government for subsistence”* to a person *“who receives one or more public benefits,”* even if they are gainfully employed and not primarily relying on these programs for subsistence and rather accessing healthcare, food or housing assistance as a work support.

The proposal expands the totality of circumstances to weigh negatively on a person’s age, health status, education and income. In the totality of circumstances test, children under age 18 and seniors older than age 65, people with a chronic health condition, such as diabetes, or disability, and a family earning less the 125 percent of the Federal Poverty Level (FPL), would be evaluated as *“heavily negative”*. To be weighed as *“heavily positive”* a family of four would have need an income of 250 percent of FPL, or \$63,000 annually, *which is higher than the median American household.*

Finally, the proposal expands previously excluded programs that support the health and well-being of children and working families; Medicaid, the Supplemental Nutrition Assistance Program (SNAP), Medicare Part D Low-Income Subsidy Program, and certain housing assistance programs.

The threshold for counting this expanded list of important work supports in the public charge determination would be based on the amount of benefits and length of receipt. For example, accessing Medicaid for 12 months over a 36-month period, or getting quantifiable benefits like SNAP or some housing supports valued at more than 15 percent of FPL (\$1,821 per year for a single person), will increase the likelihood of a public charge determination even if a person's participation is temporary and they are working full-time.

### **Importance of Medicaid, SNAP and Housing Supports for Children and Working Families**

Many families new to the U.S. work in low-wage jobs that may be part-time with variable hours or seasonal in nature. Critical support programs like Medicaid, SNAP and Section 8 Housing Vouchers provide financial stability for low-income families and give them a pathway to stability and independence.

**Medicaid** is the national health insurance program designed specifically to provide critical healthcare for low income individuals, children, seniors, people with disabilities and veterans. Fifty percent of all births in this country are covered by Medicaid and Medicaid provides vital healthcare services for pregnant women and infants. Many working families work in low-wage or part-time jobs that do not provide employer-based health insurance, and they do not make enough to afford health insurance on the open marketplace. Medicaid is both an important precursor to and support for employment for these families. In Erie County, 13% of adults are covered by Medicaid.

**SNAP** is the nation's largest anti-hunger program, and provides timely, targeted and temporary support to low-income households for the purchase of food. With approximately one in eight U.S. households struggling with food insecurity<sup>i</sup>, SNAP supplements the income of 16% of households in Erie County to help these working families put food on the table and make ends meet. SNAP helps those who need it most – children, people with disabilities, older Americans and veterans – and is carefully structured to encourage work.

**Housing assistance programs**, like public housing, Section 8 Housing Vouchers and Rental Assistance help families find and afford housing at a time when a worker earning the state minimum wage can afford a one-bedroom apartment in only 22 of the U.S.'s 3,000 counties.<sup>ii</sup> In the city of Buffalo, more than half of all households are spending over 30% of their household income on rent. The limited supply of affordable housing can make it difficult for many working families to obtain affordable housing. Housing supports stabilize working families, reduce homelessness and enable children to live in safe neighborhoods with greater educational opportunities for long-term success<sup>iii</sup>.

### **Changes Will Harm Families and Children**

*If the public charge rule were to go into effect, communities like Buffalo and Erie County would be negatively impacted as families who are legally allowed to access critical work supports would disenroll or forgo enrollment in SNAP, Medicaid, and housing programs which would have short and long-term consequences on the health, financial stability, and education of communities across the country.*

We know that communities thrive and the economy flourishes when individuals and families are stable and healthy. Access to health and nutrition services are vital for a family to make ends meet and a child's development and success in school.

With this proposed rule, however, families may opt out of these important supports for which they are legally eligible, forgoing basic health and nutrition needs that would have severe impacts on citizen children. Experiencing stress and instability, such as economic insecurity and malnutrition, harms a child's development. Substantial, persistent adversity in early childhood, sometime called toxic stress, can interfere with brain development and affect how children learn, their ability to manage emotions,<sup>iv</sup> and lead to lasting physical and mental health problems into adulthood.<sup>v</sup>

Reducing access to healthcare, nutrition, and housing through the proposed rule would put children at risk for adverse childhood experiences with ripple impacts on our community. Children with a parent born outside the United States are a large, growing segment of the U.S. population. The vast majority (88 percent) of these children are U.S. born.<sup>vi</sup>

There is growing evidence the public charge effort is already leading to “chilling effects”, whereby adults and children who are eligible for vital assistance programs, are dropping out because of fear of negative consequences.<sup>vii</sup> The Fiscal Policy Institute estimates that the chilling effect of this proposed rule change would reduce access to healthcare, nutrition or housing supports for 24 million people in the U.S., including 9 million children.<sup>viii</sup> Deterring U.S. citizen children from accessing these crucial programs will lead to short-term consequences on their health and school performance and long-term consequences on their likelihood to succeed as contributing adults when they grow up.

### **Changes Will Harm Low Income Workers**

People who work in low-wage jobs work in sectors that are vital to the health and well-being of local economies. Research from the Kaiser Family Foundation on the nature of the current labor market makes clear that our economy is dependent on these jobs. According to their research, a large share of low-wage workers experience high levels of job displacement, spells of low hours and unemployment, and little growth in wages. Individuals in low-wage jobs often have low education levels, and may be working a substantial amount, but their hours and employment is volatile. Much of the volatility reflects characteristics of the types of jobs, i.e. service industry, and is not necessarily due to decisions made by workers.<sup>ix</sup> Many of these jobs do not provide employer-based health insurance, and the variability of hours they work, can lead to periods on unemployment in which programs like SNAP and housing assistance, will allow people to make ends meet. The expanded income test, targets low-wage workers, because they work well below the 250 percent of FPL, a threshold higher than the U.S. median income.

Millions of Americans make use of federal food, health and housing programs in any given year to get through hard times and to advance to a better life. These programs are structured to support low-wage workers, so they can keep healthy, stay in their homes and put food on the table. Discouraging families from making legal-use of these programs in a time of need only makes it harder for them to move up the economic ladder and contribute to their fullest capacity to our economy.

The same chilling effect we are seeing in individuals and families accessing federal assistance programs will have a trickle down “chilling effect” on our local economy. The Fiscal Policy Institute study also found that we could expect a \$12 billion reduction in supports for families around the country, and the negative ripple effects through the economy of up to \$24 billion as hospitals and doctor’s offices see reduced revenues, and people buy less in supermarkets. The economic impact would vary depending on the overall state of the economy, but in a recession, when the programs have their biggest positive effect, up to 164,000 jobs could be lost.<sup>x</sup>

### **The Charitable Sector will be Unable to Meet the Displaced Demand**

Reducing access to federal food assistance, healthcare, and housing support does not eliminate the need for such support. Families who disenroll or forgo enrollment in SNAP, Medicaid and housing programs will look to the charitable sector to navigate options and access services. While United Way, in partnership with nonprofit partners across Buffalo and Erie County, is committed to fighting for the financial stability, health, and education of every person in our community, resources are finite, and charities would be unable to meet the displaced need for support. For example: for every meal Feeding America provides, SNAP provides 12 meals. And United Way’s reach, as the nation’s largest private funder of health and human services with U.S. investments of \$3.6 billion annually across hundreds of issues, is equivalent to only five percent of federal SNAP expenditures.

Regardless of strategic relevance and will to serve, the resources to help will not be available and the ripple impacts will be severe on all members of our community. If the proposed public charge rule goes into effect, we can expect: poorer health outcomes including increased obesity and malnutrition - especially with pregnant women and children, increased use of expensive emergency room care affecting the taxpayer’s bottom line, increases in communicable diseases due to reduced participation in immunizations, housing instability, poorer educational outcomes for our youth and reduced workforce productivity for millions of workers. These are not outcomes our community can afford.

### **Conclusion**

United Way fights for the health, education and financial stability of every person in every community. All people in Buffalo and Erie County who work hard and play by the rules should be allowed to pursue their American Dream. With the anticipated harmful impacts on children, families, low-wage workers, and ripple impacts on the

charitable sector -- due to reduced access to Medicaid, SNAP, and housing assistance -- United Way opposes the proposed public charge rule and respectfully requests your withdrawal of the rule.

Michael Weiner  
President and CEO  
United Way of Buffalo & Erie County

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<sup>i</sup> <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/interactive-charts-and-highlights/>

<sup>ii</sup> National Low-Income Housing Coalition (2018). *Out of Reach: The High Cost of Housing*. Retrieved from [http://nlihc.org/sites/default/files/oor/OOR\\_2018.pdf](http://nlihc.org/sites/default/files/oor/OOR_2018.pdf).

<sup>iii</sup> Center on Budget & Policy Priorities (2017). *Policy Basics: Federal Rental Assistance*, <https://www.cbpp.org/research/housing/policy-basics-federal-rental-assistance>

<sup>iv</sup> National Science Council on the Developing Child, *Persistent Fear and Anxiety Can Affect Young Children's Learning and Development, Working Paper, 2010*, <https://developingchild.harvard.edu/resources/persistent-fear-and-anxiety-can-affect-young-childrens-learning-and-development/>

<sup>v</sup> Jack P. Shonkoff, Andrew S. Garner, *Pediatrics* 129, *The Lifelong Effects of Early Childhood Adversity and Toxic Stress*, 2012

<sup>vi</sup> Migration Policy Institute Data Hub, *Children in U.S. Immigration Families*, <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families>

<sup>vii</sup> Fiscal Policy Institute, *Estimates on Human & Economic Impacts of the Public Charge Rule* 2018, <http://fiscalpolicy.org/public-charge>

<sup>viii</sup> Fiscal Policy Institute, *Estimates on Human & Economic Impacts of the Public Charge Rule* 2018, <http://fiscalpolicy.org/public-charge>

<sup>ix</sup> Rachel Garfield, Robin Rudowitz, Anthony Damico, "Understanding the Intersection of Medicaid and Work", Henry J Kaiser Family Foundation, Issue Brief, January 2018, <http://files.kff.org/attachment/Issue-Brief-Understanding-the-Intersection-of-Medicaid-and-Work>

<sup>x</sup> Fiscal Policy Institute, *Estimates on Human & Economic Impacts of the Public Charge Rule* 2018, <http://fiscalpolicy.org/public-charge>