

FACT SHEET: THE PUBLIC CHARGE RULE HARMS CHILDREN



February 2020

BACKGROUND

The strength of our country's economic future is dependent on the wellbeing of our children, who make up our future workforce and tax base. Children of immigrants are the fastest-growing group of American children, with approximately 1 in 4 children (18 million) living in a family with at least one immigrant parent.¹

The majority of children of immigrants live in households where both parents are working² and employed in essential, but lower-paying jobs that often do not provide access to employer-sponsored health insurance or a pension plan.³ These conditions diminish the ability of these workers to make critical investments in their children. This reality, combined with skyrocketing rents and the high cost of everyday goods, means that immigrant parents still struggle to make ends meet and turn to key assistance programs to supplement resources for their families.

On October 10, 2018, the U.S. Department of Homeland Security (DHS) began their attack on these critical benefits by releasing a rule for public comment proposing changes to long-standing, bipartisan immigration policy known as "public charge."⁴ The rule allows government officials to consider the use of an applicant's broad range of services such as Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and housing assistance when determining eligibility for green cards or lawful admission to the U.S. On August 14, 2019, after reviewing more than 260,000 public comments on the rule, DHS published a final regulation with slight changes from the proposed version.⁵

The rule, which was initially set to take effect on October 15, 2019, was initially held up by court challenges and a nationwide injunction. However, the Supreme Court ruled on January 24, 2020, to set aside the nationwide injunction and let the rule move forward (This does not include Illinois, which has a statewide injunction). Thus, on February 24, 2020, the United States Customs and Immigration Services (USCIS) is set to begin enforcing the expanded public charge rule on those seeking admission to the U.S. or applying for Legal Permanent Resident (LPR) status. It is important to note, however, that the Supreme Court only set aside a preliminary injunction, and there is ongoing litigation to determine the rule's legality.

WHO IS AFFECTED BY THIS RULE?

This rule applies to individuals applying for admission to the United States or applying for adjustment of status to that of a lawful permanent resident. Asylees, refugees, victims of domestic violence, and other protected

¹ The Annie E. Casey Foundation Kids Count Data Center, "Children in Immigrant Families," analysis of data from the U.S. Census Bureau, 2008 - 2016 American Community Survey. <https://datacenter.kidscount.org/data/tables/115-children-in-immigrant-families?loc=1&loc=1#detailed/1/any/false/870,573,869,36,868,867,133,38,35,18/any/445,446>, Accessed 5 February 2020.

² The Annie E. Casey Foundation Kids Count Data Center, "Children with all available parents in the labor force by family nativity," analysis of data from the U.S. Census Bureau, 2008 - 2016 American Community Survey. <https://datacenter.kidscount.org/data/tables/5060-children-with-all-available-parents-in-the-labor-force-by-family-nativity?loc=1&loc=1#detailed/1/any/false/870,573,869,36,868,867,133,38,35,78,79/11478,11479>, Accessed 5 February 2020.

³ Earle, Alison, Joshi, Pamela, Geronimo, Kimberly, et al., "Job Characteristics Among Working Parents: Differences by Race, Ethnicity, and Nativity," Monthly Labor Review, May 2014. <https://www.bls.gov/opub/mlr/2014/article/job-characteristics-among-working-parents.htm>, Accessed 5 February 2020.

⁴ Inadmissibility on public charge grounds, 83 Fed. Reg. 51114, proposed 10 October 2018, 8 CFR 103, 212, 213, 214, 245 and 248.

⁵ <https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>, Accessed 5 February 2020.

⁶ Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 41292, Published 14 August 2019, 8 CFR 103, 212, 213, 214, 245, and 248. RIN: 1615-AA22. <https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds>.

groups will not be subject to a public charge determination. As a result, this rule will directly impact children with parents who are applying for green cards, as well as lawfully present children who themselves apply for a green card.

Adding to the problem, fear and confusion surrounding the rule, known as a “chilling effect,” have already caused people to disenroll from programs or forgo benefits for which they are eligible. DHS admitted in their original proposal that the “chilling effect” will cause the rule to have a broader effect on the American public than intended. This “chilling effect” began even before the rule took effect and will likely continue past February 24th.

The changes that this rule makes will have a profound impact on the ability of low-income, immigrant families to meet their basic needs. What is more, there is no way to hurt immigrant families without also harming their children. Children in households where parents are limited from accessing critical benefits will suffer from a loss of income and resources to the household that support their healthy development. This includes U.S. citizen children who live in households with immigrant parents. When children or a parent are uninsured, illnesses go untreated, development is unchecked, parents and kids miss more days from work or school, and the family risks medical bankruptcy.

BENEFITS CONSIDERED IN PUBLIC CHARGE DETERMINATIONS UNDER THE FINAL RULE

Benefits that will be considered in public charge determinations include:

- » Any federal, state, local, or tribal cash assistance – Including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), and general assistance programs
- » Medicaid for most adults – Coverage for emergency services, children under the age of 21, and pregnant women including 60 days of postpartum services will not be included in determinations
- » The Supplemental Nutrition Assistance Program (SNAP)
- » Federal Public Housing, Section 8 Housing Vouchers, and Section 8 Project-Based Rental Assistance
- » Long-term institutional care

Use of cash assistance and long-term institutional care prior to February 24th will be considered in public charge determinations, while prior use of all other listed programs will not be retroactively considered.

The determination process will also now include the totality of a person’s circumstances, including age, health, financial status, and education. These new standards particularly disadvantage families with children. The rule automatically considers being under the age of 18 as a negatively weighted factor, thus punishing children simply for their age. Furthermore, household size will also be considered as a factor, which will disadvantage families with multiple children. Household income below 125 percent of the federal poverty line (\$32,750 for a family of 4) will also be a negative factor, thus making the rule akin to a wealth test.

Not only will this rule have economic repercussions for immigrant families, but it will also undermine family unity and stability by making it harder for parents to enter, or remain in, the country with their children. The administration is also considering a companion rule out of the Department of Justice that would expand the definition of public charge as it applies to deportability. Together, these efforts represent an effort to pit family against family economic stability, to the great detriment of children.

WHY IS THIS BAD FOR KIDS?

Increases Uninsured Rate for Children, Endangering Their Health

Adding the Medicaid program to the public charge determination puts immigrant children and their parents at risk of being uninsured. Medicaid successfully provides health coverage to 74 million of our nation's most vulnerable people.⁶ Of that number, approximately 37 million are children, making Medicaid the country's largest insurer of children.⁷ Together, Medicaid and the Children's Health Insurance Program (CHIP) serve more than one in three children in the United States.⁸ CHIP, which insures children at higher income levels than Medicaid, is not included in public charge determinations.

Considering Medicaid in public charge determinations endangers the health coverage of lawful immigrant children and their parents who receive healthcare through the program even though children's use of Medicaid is not included in the determination. A loss of coverage for parents will ultimately threaten the financial stability of families, increase the population of uninsured individuals, and hinder the health, growth, development, and trajectory of children. Any parent that withdraws from Medicaid coverage due to a public charge concern, or does not apply out of fear or confusion, will put their family at risk of potential untreated illness, lost work and school days due to illness, and medical bankruptcy. Studies show that children are less likely to have their own health insurance if their parents are uninsured⁹, so any parent's loss of coverage will have negative effects on their children and will likely increase the number of uninsured children.

Increases Their Risk of Food Insecurity and Poor Nutrition

Children of immigrants already experience food insecurity – uncertain access to enough food – at higher rates than other children.¹⁰ 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.¹¹ Since SNAP helps parents put food on the table for the whole family, it is a vital defense against childhood food insecurity.¹² The size of SNAP benefits depends on household size, meaning that if even one family member loses access to the program, there is less food for everyone, including children. Including SNAP in the public charge determination will make it harder for immigrant parents to feed their children--and for those children to learn, play, thrive, and grow.

Increases Homelessness

Affordable housing remains one of the main barriers to economic stability for many families. Housing costs continue to increase in the U.S., yet family income has not kept pace. Housing assistance helps families with the cost of rent and frees up money for them to spend on other basic needs, thereby improving their financial stability and supporting healthy child development. Vouchers can also improve a child's chances for economic mobility—one study from the U.S. Census Bureau finds that children in households receiving vouchers have higher adult earnings and a lower chance of incarceration.¹³ Yet access to housing assistance already remains extremely limited—only one in four families who are eligible for rental assistance in the United States receive it. By further limiting access to housing assistance such as Section 8 vouchers, many more children and families will be put at risk of housing instability and homelessness.

⁶ "Medicaid & CHIP Enrollment Data Highlights," U.S. Centers for Medicare and Medicaid Services, Medicaid.gov, April 2018., <https://www.medicaid.gov/medicaid-and-chip-enrollment-data/report-highlights/>, Accessed 5 February 2020.

⁷ "Child Enrollment in CHIP and Medicaid by State, FY2016," Medicaid and CHIP Payment and Access Commission, Macpac.gov, <https://www.macpac.gov/wp-content/uploads/2015/01/EXHIBIT-32.-Child-Enrollment-in-CHIP-and-Medicaid-by-State-FY-2016.pdf>, Accessed 5 February 2020.

⁸ Fitzgerald, Carrie, "Medicaid: Cost-Effective Coverage that Works for Kids," First Focus on Children, April 2018, <https://firstfocus.org/wp-content/uploads/2018/04/Medicaid-and-Kids-April-2018-.pdf>, Accessed 5 February 2020.

⁹ Karpman, Michael and Kenney, Genevieve, "Health Insurance Coverage for Children and Parents: Changes between 2013 and 2017," Urban Institute's Health Policy Center, Health Reform Monitoring Survey, 7 September 2017, <http://hrms.urban.org/quicktakes/health-insurance-coverage-children-parents-march-2017.html>, Accessed 5 February 2020.

¹⁰ Chilton, Mariana, Maureen, Black, Maureen, Berkowitz, 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/>, Accessed 5 February 2020.

¹¹ "Food Insecurity: Indicators of Child and Youth Wellbeing," Child Trends Data Bank, December 2016 <https://www.childtrends.org/indicators/food-insecurity>, Accessed 5 February 2020.

¹² "Measuring the Effect of Supplemental Nutrition Assistance Program (SNAP) Participation on Food Security (Summary)," United States Department of Agriculture Office of Policy Support, August 2013, <https://fns-prod.azureedge.net/sites/default/files/Measuring2013Sum.pdf>, Accessed 5 February 2020.

¹³ Fredrik Andersson, John C. Haltiwanger, Mark J. Kutzbach, Giordano E. Palloni, Henry O. Pollakowski, and Daniel H. Weinberg, "Childhood Housing and Adult Earnings: A Between-Siblings Analysis of Housing Vouchers and Public Housing," National Bureau of Economic Research, Working Paper No. 22721, <http://www.nber.org/papers/w22721>, Accessed 5 February 2020.

Increases Child Poverty

Money matters for reducing child poverty by helping families afford vital resources that support healthy child development and improve educational outcomes. While families are working towards achieving economic security, cash assistance through the Temporary Assistance for Needy Families (TANF) program helps parents and caretakers provide sufficient resources for children while their brains are undergoing critical stages of development. For children with health care needs, Supplemental Security Income (SSI) offsets the financial burden associated with disabilities for families.¹⁴ Once a child begins receiving SSI, the likelihood they will experience poverty decreases by about 11 percent¹⁵, thereby enhancing the opportunity for a child with disabilities to achieve an independent and rewarding life.

Keeping both of these vital assistance programs as part of the public charge determination will continue to be detrimental to children and families' economic stability.

CONCLUSION

Immigrant households in the U.S. already face unique structural and cultural barriers to economic security, including barriers that prevent them from accessing critical assistance. As a result, children in immigrant families are more likely to be living in low-income households than children born in U.S.-born families.¹⁶

The impact of this rule will only further exacerbate this disparity and have negative consequences on every aspect of wellbeing for children in households affected by the rule.

In the coming decades, there will be far fewer workers to support our economy and replace those who are retiring. Everyone – regardless of socioeconomic status – benefits from strategies that support the healthy development of our nation's children. When all children succeed, all of us benefit.

CONTACT INFO

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¹⁴ Council on Children with Disabilities, "Supplemental Security Income (SSI) for Children and Youth with Disabilities," American Academy of Pediatrics, Vol. 124, issue 6, December 2009, <http://pediatrics.aappublications.org/content/124/6/1702>. Accessed 5 February 2020.

¹⁵ Duggan, Mark and Schettini-Kearney, Melissa, "The Impact of Child SSI Enrollment on Household Outcomes: Evidence from the Survey of Income and Program Participation," The National Bureau of Economic Research, August 2005, <http://www.nber.org/papers/w11568>. Accessed 5 February 2020.

¹⁶ "Children living in low-income families (below 200 percent of the poverty threshold) by family nativity," The Annie E. Casey Foundation, Population Reference Bureau, analysis of data from the U.S. Census Bureau, Census 2000 Supplementary Survey, 2001 Supplementary Survey, 2002 through 2016 American Community Survey, <https://datacenter.kidscount.org/data/tables/118-children-living-in-low-income-families-below-200-percent-of-the-poverty-threshold-by-family-nativi-ty?loc=1&loc2=1#detailed/1/any/false/870,573,869,36,868,867,133,38,35,18/78,79/451,452>. Accessed 5 February 2020.