



# New Research and Estimating the Impact of Public Charge

November 15, 2018

**Jackie Vimo**, National Immigration Law Center

**Laura Braslow**, Manatt Health

**Samantha Artiga**, Kaiser Family Foundation

**David Kallick**, Fiscal Policy Institute

**Renato Rocha**, Center for Law and Social Policy

- **Welcome and Introductions**
- **Overview of Public Charge**
- **Summary and Key Findings:**
  - Manatt Health
  - Kaiser Family Foundation
  - Fiscal Policy Institute
- **How can you fight back?**
- **Q/A**

# Overview of Public Charge

# Longstanding public charge test

## Definition

A person who is considered “likely to become primarily dependent on the government for subsistence.”

## Benefits Considered

Only two types of benefits considered:

1. **Cash** assistance for income maintenance
2. Institutionalization for **long-term care** at government expense

# Public benefits included in NPRM

\*Cash Support for Income Maintenance

\*Long Term Institutional Care at Government Expense

\*\*Most Medicaid Programs

Supplemental Nutrition Assistance Program (SNAP or Food Stamps)

Medicare Part D Low Income Subsidy

Housing Assistance (Public Housing or Section 8 Housing Vouchers and Rental Assistance)

\* Included under current policy as well

\*\* Exceptions for emergency medicaid & certain disability services offered in school. DHS is asking for input on inclusion of CHIP, but the program is not included in the regulatory text

# Current public charge test

## Totality of Circumstances Considered

- ✓ Age
- ✓ Health
- ✓ Family status
- ✓ Financial status
- ✓ Education and skills
- ✓ Affidavit of support

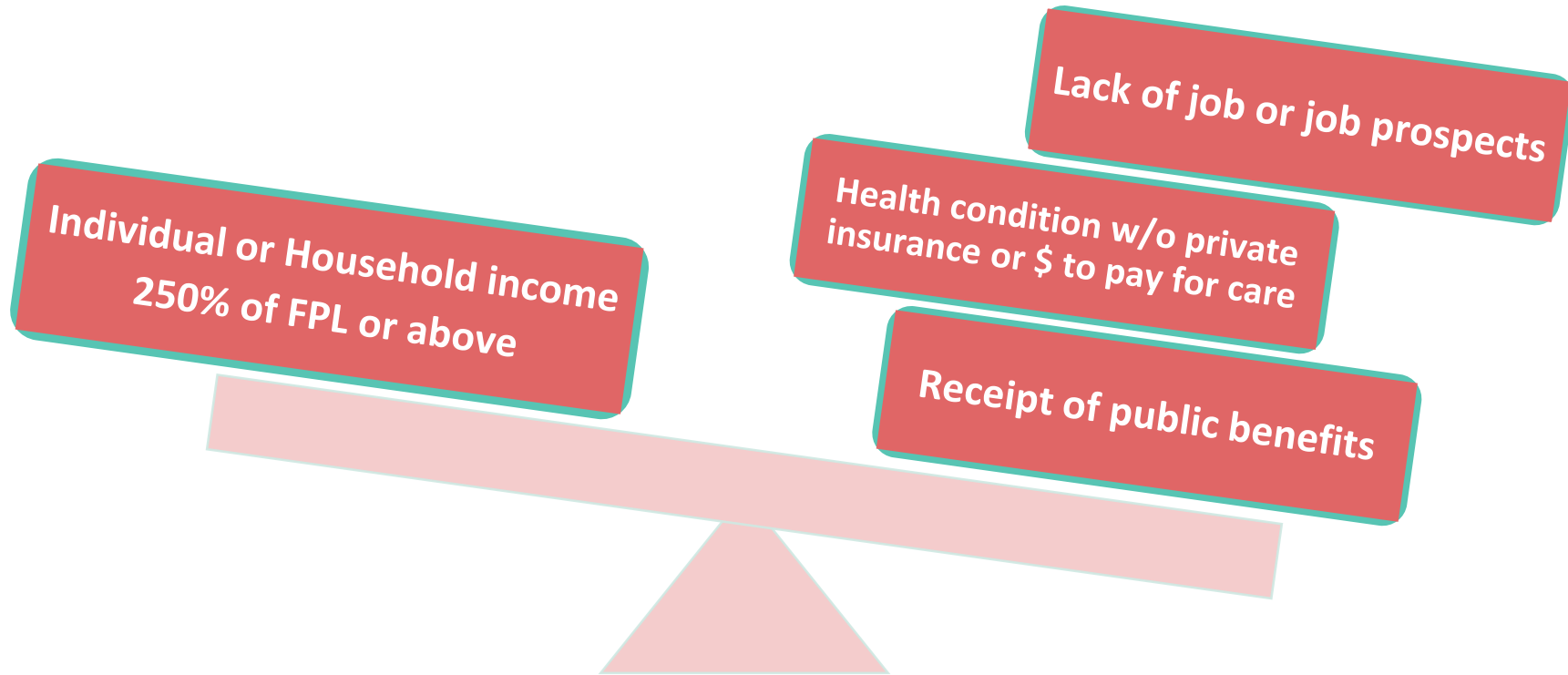


**Forward looking test:** Is the person likely to rely on cash or long-term care in the future? No one factor (including past use of cash benefits) is dispositive. Positive factors can be weighed against negative factors.

# **Totality of Circumstances Test: Heavily Weighed Factors**

**Heavily Weighed  
Positive Factor**

**Heavily Weighed  
Negative Factors**



# When does the public charge test come up?

## A public charge assessment is made when a person:

- Applies to enter the U.S.
- Applies to adjust status to become a Lawful Permanent Resident (LPR)
- A green card holder leaves the U.S. for more than 180 consecutive days (6 months) and reenters



# Who is exempt from public charge determination?

## Public charge does NOT apply to:

- Lawful Permanent Residents applying for citizenship
- Refugees and Asylees
- VAWA self-petitioners
- Survivors of Domestic Violence, Trafficking, or other Serious Crimes (Applicants/ recipients of U or T visa)
- Special Immigrant Juveniles
- Certain Parolees, and several other categories of non-citizens

# Direct and indirect impacts

- Directly impacted individuals
- Broader population of people in immigrant and mixed-status families are at risk of “chilling effect”
- States and localities
- Providers and communities
- All of us

## Impact: States/Localities + Others

- ↓ Loss of federal revenue from Medicaid, Medicare, SNAP, housing programs
- ↓ Loss of **Medicaid** and **CHIP** increases burden on safety-net hospitals and uncompensated care pools and result in loss of health care sector jobs
- ↓ Loss of **SNAP benefits** will hurt local corner stores, decrease retail and commercial grocery and food sales
- ↓ Increased **hunger** means added strain on local food pantries
- ↓ Economic impacts from **negative multiplier effects** from loss of benefits
- ↓ Loss in **public school funding** calculated with SNAP and Medicaid participation rates
- ↓ Negative impacts on **public health, nutrition, education, and workforce**
- ↓ **Administrative burdens**

## Keep in Mind

- The existing 1999 public charge guidance is still in place until a new rule is finalized.
- The final regulation could look different from the proposed regulation.
- The proposed regulation may never be finalized.

# Laura Braslow, Manatt Health



# Public Charge Potentially Chilled Population Data Dashboards

- Uses American Community Survey data (2012-2016 blend) to identify the universe of *potentially* chilled individuals (all non-citizens and their citizen family members residing in the US).
- Dashboards are designed to provide the highest possible level of geographic and demographic detail.
- Key segmentation provided (defines groups articulated in PC rule)
  - Income groups (<125% FPL, <250% FPL, >=250% FPL)
  - Age groups and Race/Ethnicity groups
  - Geography (State, Metropolitan Area/CBSA, County)
- Data is publicly available on the Manatt website [here](#)

# **Samantha Artiga, Kaiser Family Foundation**

# Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid

Samantha Artiga  
Kaiser Family Foundation

Protecting Immigrant Families Research Webinar  
November 15, 2018



Filling the need for trusted information on national health issues.



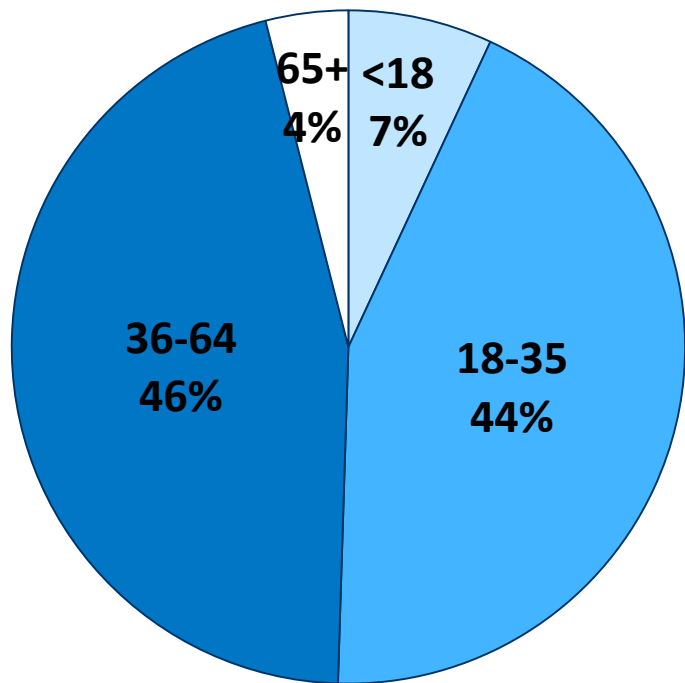
# Overview of Analysis

- Based on analysis of 2014 Survey of Income and Program Participation data
- Estimates share of noncitizens who originally entered the U.S. without LPR status who have characteristics that DHS could potentially weigh negatively in a public charge determination
- Illustrates the number of individuals in a household with a non-citizen who could disenroll from Medicaid/CHIP under different scenarios
  - Assumes rule would have a chilling effect on households with a noncitizen
  - Uses range of disenrollment rates (15%, 25%, 35%) that draws on post-welfare reform research
- Summarizes approach used by DHS to estimate Medicaid impacts

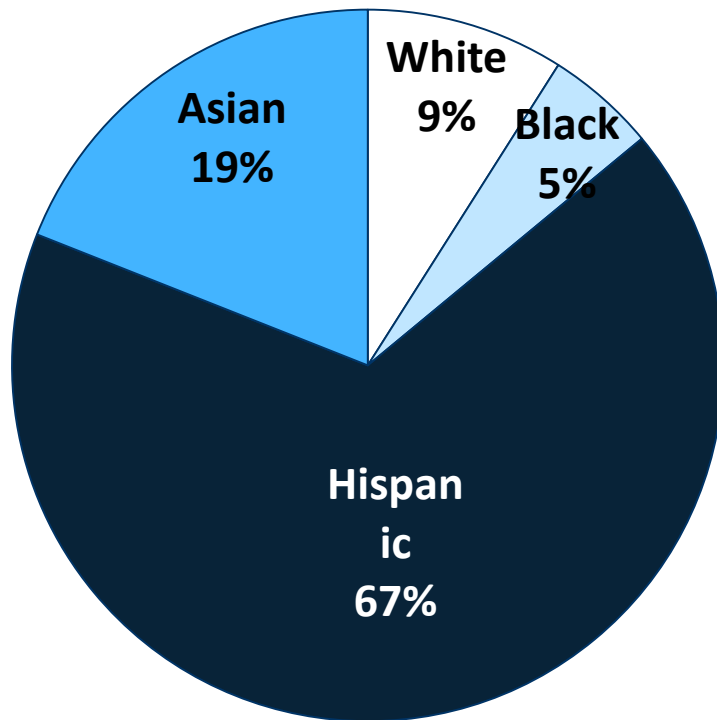
Figure 18

# Demographics of Noncitizens who Originally Entered the U.S. without LPR Status, 2014

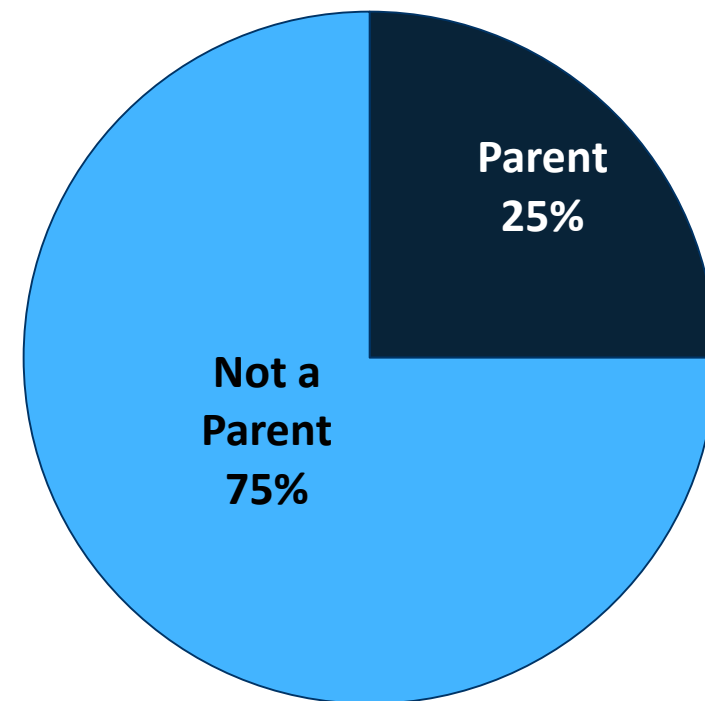
### Age



### Race/Ethnicity



### Parent Status

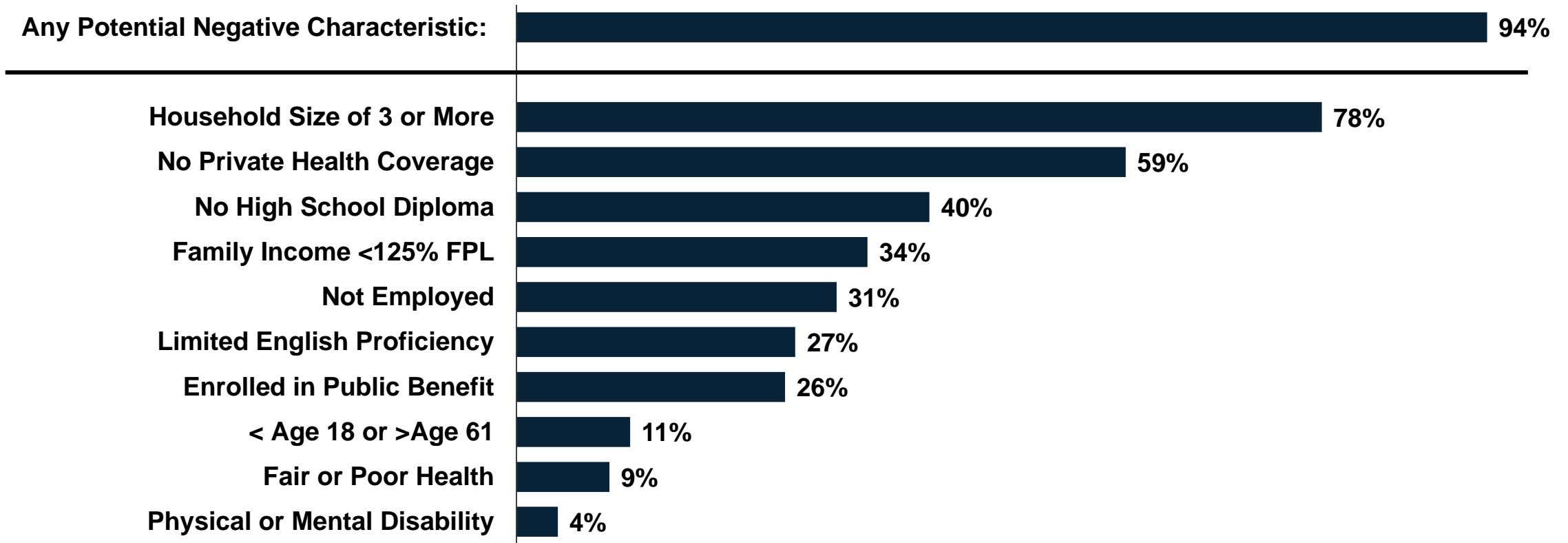


Source: Kaiser Family Foundation Analysis of 2014 Survey of Income and Program Participation data.

Figure 19

# Characteristics of Noncitizens who Originally Entered the U.S. without LPR Status, 2014

Percent of noncitizens who entered the U.S. without LPR status who have certain characteristics that DHS could consider negative in a public charge determination:

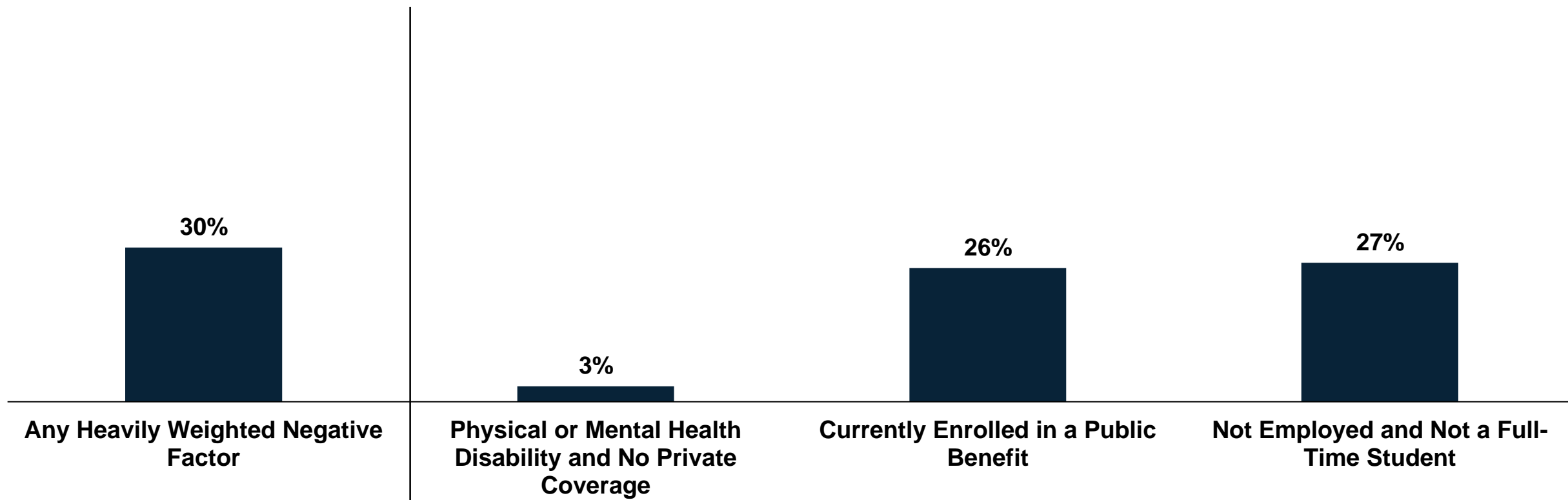


Source: Kaiser Family Foundation Analysis of 2014 Survey of Income and Program Participation data.

Notes: Public benefits include Supplemental Security Income, Temporary Assistance for Needy Families, or General Assistance, Medicaid or the Children's Health Insurance Program, the Supplemental Nutrition Assistance Program, and low-income Medicare beneficiaries.

Figure 20

# Share of Noncitizens Who Originally Entered the U.S. without LPR Status with Characteristics DHS could Consider a Heavily Weighted Negative Factor

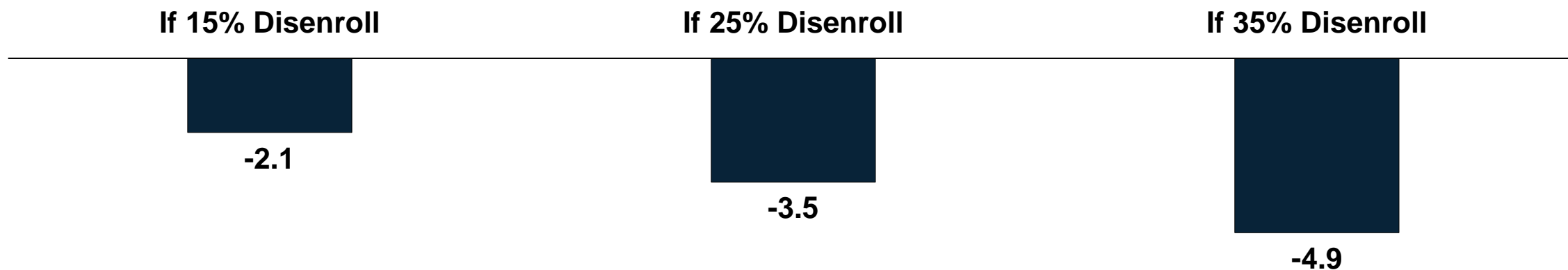


Source: Kaiser Family Foundation Analysis of 2014 Survey of Income and Program Participation data.

Figure 21

# Declines in Medicaid/CHIP Enrollment among Individuals in a Household with a Noncitizen Under Different Disenrollment Scenarios

in Millions:



**Medicaid/CHIP Enrollees in Households with a Noncitizen: 14.1 million**

## Differences from DHS Estimates of Medicaid Impacts

- Estimates vary from DHS estimates because they account for potential chilling effects and rely on a different data source and methods
- Using administrative and survey data, DHS estimates 142,000 individuals would disenroll from Medicaid per year
- Although DHS recognizes previous research showing chilling effects on enrollment, it does not account for a chilling effect in its estimates
- DHS assumes all individuals directly affected by rule (i.e., applying to adjust status) will disenroll, but no disenrollment effects among their family members or other noncitizen families

# Conclusion

- Individuals in low-income families would face increased challenges to adjusting to LPR status or entering the U.S.
  - Limits potential future opportunities for low-income families
  - Increases barriers to family reunification and could potentially lead to family separation.
- Proposed rule will likely lead to disenrollment broadly among immigrant families beyond those directly affected by the rule.
  - Difficult to predict what share of families may disenroll; will be affected by continually evolving immigration policy and outreach and education efforts
  - Coverage losses would negatively affect the health of families and their financial stability and lead to lost revenues and increased uncompensated care among providers

# David Kallick, Fiscal Policy Institute



# “Only Wealthy Immigrants Need Apply”

How a Trump Rule’s Chilling Effect Will Harm Your State

The logo graphic consists of several overlapping, 3D-style orange arrows pointing upwards and to the right, creating a sense of growth and progress. A dark teal square is overlaid on the bottom left of these arrows, containing the FPI text.

**FPI**

Fiscal Policy  
Institute

# Who Could Feel a Chilling Effect?

**Our definition:** People who are likely to be nervous or confused about whether they should apply for benefits they are qualified to get.

**Our estimate:** everyone who lives in a family with at least one non-citizen immigrant, and where someone in that family has received one of the public benefits named in the public charge rule.

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## **That includes:**

- Immigrants applying for a green card or visa that would require a public charge designation
- U.S.-born adults and kids who may withdraw from programs for fear of consequences for other family members
- Refugees, asylees, and others who will not face public charge rulings but may not be sure or trust that
- DACA recipients

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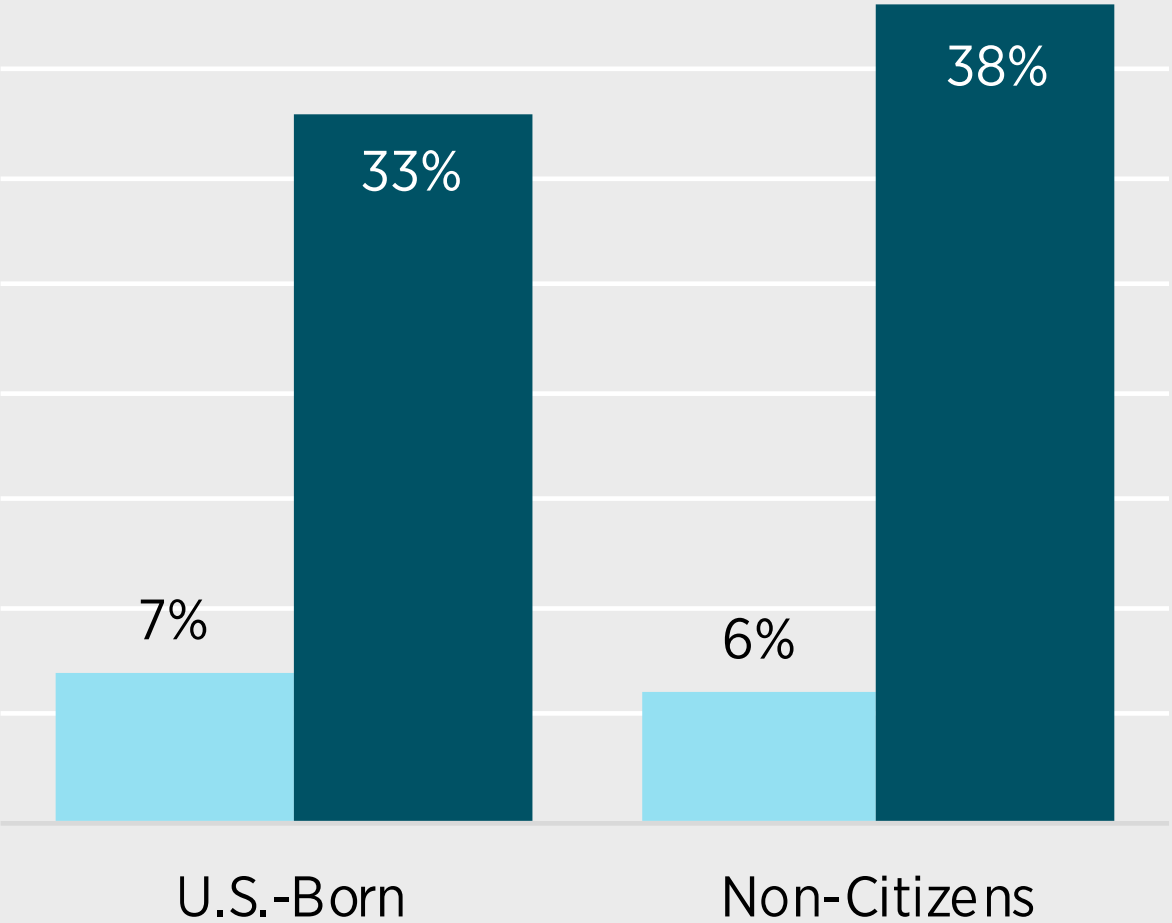
**That includes:**

- 24 million people in the United States
- 2.1 million people in New York State

# What if the Trump Rule Were Applied to You?

New Yorkers Who Would Struggle to be Deemed Acceptable

- Under Current Definition
- Under Trump Rule



# Further Inhumane Treatment of Kids to Pressure Families

	Citizens	Non-Citizens	All
Children under 18 years old	580,000	100,000	680,000
Adults	440,000	940,000	1,380,000
<b>Total</b>	<b>1,020,000</b>	<b>1,040,000</b>	<b>2,060,000</b>

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# Further Inhumane Treatment of Kids to Pressure Families

**The stakes are unbearably high.** As a parent, if you apply for SNAP or Medicaid, you may fear losing the chance to stay in this country with your kids. Yet, not applying may mean seeing your family go hungry or not being able to see a doctor when you are sick.



# Economic Cost to New York State

Simulated Impact of Trump Rule	Lower Estimate 15% disenrollment	Middle Estimate 25% disenrollment	Higher Estimate 35% disenrollment
Loss of Federal Funds to New Yorkers	\$1.1 billion	\$1.8 billion	\$2.6 billion
Potential Economic Ripple Effects (Loss to grocery stores, doctors' offices, hospitals, etc.)	\$2.2 billion	\$3.6 billion	\$5.0 billion
Potential Jobs Lost	15,000	25,000	34,000

Estimate of direct loss was calculated by the Center on Budget and Policy Priorities; economic ripple effects and jobs lost was estimated by the Economic Policy Institute.

# Parallel data and charts available for all states, and for the U.S. as a whole.

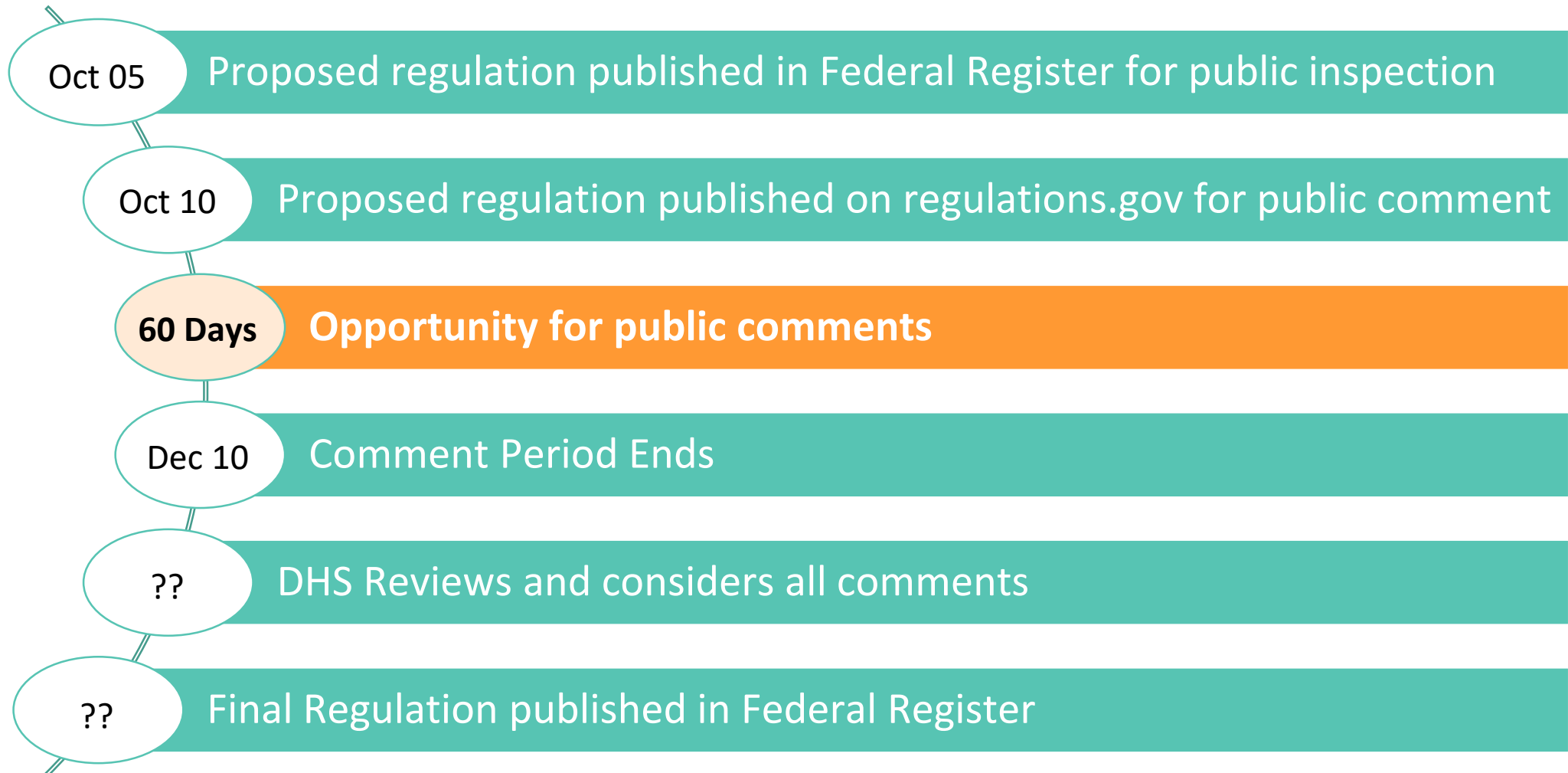
50-state data at:  
<http://fiscalpolicy.org/public-charge>

For formatted charts contact:  
[ddkallick@fiscalpolicy.org](mailto:ddkallick@fiscalpolicy.org)

	Scenario 1: 15% Disenrollment			Scenario 2: 25% Disenrollment			Scenario 3: 35% Disenrollment		
	Loss of Federal Funds to New Yorkers (Millions)	Potential Economic Ripple Effects (Millions)	Potential Jobs Lost	Loss of Federal Funds to New Yorkers (Millions)	Potential Economic Ripple Effects (Millions)	Potential Jobs Lost	Loss of Federal Funds to New Yorkers (Millions)	Potential Economic Ripple Effects (Millions)	Potential Jobs Lost
United States	\$7,511	\$14,491	98,658	\$12,518	\$24,151	164,430	\$17,525	\$33,811	230,202
Alabama	\$25	\$46	315	\$41	\$77	525	\$57	\$108	735
Alaska	\$11	\$21	146	\$18	\$36	243	\$26	\$50	341
Arizona	\$243	\$471	3,207	\$405	\$785	5,346	\$567	\$1,099	7,484
Arkansas	\$28	\$54	368	\$46	\$90	613	\$65	\$126	858
California	\$2,168	\$4,205	28,630	\$3,613	\$7,009	47,717	\$5,059	\$9,812	66,804
Colorado	\$93	\$179	1,217	\$155	\$298	2,028	\$217	\$417	2,839
Connecticut	\$79	\$154	1,046	\$131	\$256	1,744	\$183	\$359	2,441
Delaware	\$17	\$32	221	\$28	\$54	368	\$39	\$76	515
District of Columbia	\$26	\$50	343	\$43	\$84	571	\$60	\$117	799
Florida	\$399	\$742	5,053	\$665	\$1,237	8,421	\$931	\$1,732	11,790
Georgia	\$139	\$262	1,787	\$231	\$437	2,978	\$323	\$612	4,169
Hawaii	\$40	\$76	519	\$66	\$127	865	\$93	\$178	1,212
Idaho	\$17	\$32	221	\$28	\$54	369	\$39	\$76	516
Illinois	\$250	\$478	3,255	\$416	\$797	5,425	\$583	\$1,116	7,595
Indiana	\$49	\$94	641	\$82	\$157	1,068	\$114	\$220	1,496
Iowa	\$26	\$50	341	\$44	\$83	568	\$61	\$117	795
Kansas	\$24	\$47	318	\$40	\$78	530	\$56	\$109	743
Kentucky	\$35	\$67	459	\$58	\$112	765	\$81	\$157	1,071
Louisiana	\$20	\$39	265	\$34	\$65	442	\$47	\$91	619
Maine	\$8	\$15	104	\$13	\$25	173	\$18	\$36	242
Maryland	\$122	\$238	1,621	\$203	\$397	2,702	\$284	\$556	3,783
Massachusetts	\$237	\$465	3,168	\$395	\$776	5,281	\$554	\$1,086	7,393
Michigan	\$92	\$175	1,193	\$153	\$292	1,988	\$214	\$409	2,784
Minnesota	\$99	\$193	1,313	\$165	\$321	2,189	\$230	\$450	3,064
Mississippi	\$9	\$17	115	\$14	\$28	191	\$20	\$39	267
Missouri	\$27	\$51	344	\$44	\$84	573	\$62	\$118	802
Montana	\$2	\$3	23	\$3	\$6	39	\$4	\$8	55
Nebraska	\$19	\$36	244	\$31	\$60	406	\$44	\$83	568
Nevada	\$61	\$113	771	\$101	\$189	1,285	\$142	\$264	1,799
New Hampshire	\$7	\$13	92	\$12	\$22	153	\$16	\$31	214
New Jersey	\$220	\$425	2,896	\$367	\$709	4,826	\$514	\$992	6,757
New Mexico	\$88	\$171	1,162	\$146	\$285	1,937	\$205	\$398	2,712
New York	\$1,107	\$2,160	14,704	\$1,845	\$3,599	24,507	\$2,583	\$5,039	34,310
North Carolina	\$128	\$245	1,671	\$214	\$409	2,785	\$300	\$573	3,899
North Dakota	\$5	\$10	69	\$9	\$17	115	\$12	\$24	161
Ohio	\$64	\$125	850	\$107	\$208	1,416	\$150	\$291	1,983
Oklahoma	\$44	\$85	577	\$74	\$141	962	\$103	\$198	1,346
Oregon	\$120	\$236	1,605	\$200	\$393	2,675	\$281	\$550	3,745
Pennsylvania	\$97	\$189	1,284	\$162	\$314	2,140	\$227	\$440	2,997
Rhode Island	\$39	\$75	510	\$64	\$125	850	\$90	\$175	1,190
South Carolina	\$33	\$62	425	\$55	\$104	709	\$77	\$146	992
South Dakota	\$3	\$6	44	\$6	\$11	73	\$8	\$15	103
Tennessee	\$62	\$119	811	\$103	\$199	1,352	\$144	\$278	1,893
Texas	\$795	\$1,512	10,293	\$1,325	\$2,520	17,155	\$1,855	\$3,528	24,017
Utah	\$32	\$62	424	\$54	\$104	707	\$75	\$145	990
Vermont	\$5	\$10	66	\$8	\$16	111	\$12	\$23	155
Virginia	\$57	\$110	746	\$96	\$183	1,243	\$134	\$256	1,740
Washington	\$196	\$378	2,576	\$326	\$631	4,294	\$456	\$883	6,011
West Virginia	\$3	\$6	42	\$5	\$10	70	\$7	\$14	97
Wisconsin	\$42	\$80	545	\$70	\$133	908	\$99	\$187	1,271
Wyoming	\$1	\$3	18	\$2	\$4	30	\$3	\$6	42

# How can you fight back?

# Rulemaking process





# The Protecting Immigrant Families Advancing Our Future Campaign

Created in 2017 and  
Co-Chaired by:

## CLASP

Policy Solutions That Work For Low-Income People



**Purpose:** Unite to protect and defend access to health care, nutrition programs, public services and economic supports for immigrants and their families at the local, state and federal level.

- Nearly 280 Active Member Organizations
- 5 Working Groups: Communications, Federal Advocacy, Field, Policy & Legal Analysis, Research
- [Click here](#) to see PIF Campaign overview



# Help us reach 100,000 comments by December 10

## High Quality Organizational Comments

- **Who?**
  - Nonprofits, direct service providers, local, state and national elected officials
- **What to say?**
  - Model comment and Templates for 40+ sectors available soon
- **Where to submit?**
  - [Federal Comment Portal](#) on Regulations.gov
- **When?**
  - Draft now and wait until second half of comment period to submit

## High Quantity Individual Comments

- **Who?**
  - You and your colleagues and friends and family
- **What to say?**
  - Text to edit on websites with a few clicks.
- **Where to submit?**
  - [ProtectingImmigrantFamilies.org](#)
  - Other microsites available too!
- **When?**
  - Starting now and every day until December 10

# What else can you do?

Join the  
Campaign

[bit.ly/PIFActivemember](https://bit.ly/PIFActivemember)

Share a  
Story

[bit.ly/PIFstory](https://bit.ly/PIFstory)

Speak Up

[#ProtectFamilies](https://twitter.com/ProtectFamilies)

## Research Discussed by Panelists

- Manatt Health: <https://bit.ly/2QLNm6Y>
- KFF: <https://bit.ly/2PkR22L>
- FPI: <https://bit.ly/2FpK0FE>

## Campaign Resources

- Public charge 2-pager: <https://bit.ly/2o1nJ5v>
- Research guide: <https://bit.ly/2B7Kgok>
- National impact fact sheet: <https://bit.ly/2OM2oYH>
- Impact fact sheets for select states: <https://bit.ly/2QEYGSi>



# Questions