

Chilling Effects: The Expected Public Charge Rule and Its Impact on Immigrant Families

Migration Policy Institute

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LOGISTICS

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MODERATOR & PRESENTERS



Margie McHugh, Director, National Center on Immigrant Integration Policy



Michael Fix, Senior Fellow and former MPI President



Mark Greenberg, Senior Fellow



Jeanne Batalova, Senior Policy Analyst and MPI Migration Data Hub Manager

TODAY'S REPORT

CHILLING EFFECTS

The Expected Public Charge Rule and
Its Impact on Legal Immigrant Families'
Public Benefits Use



By Jeanne Batalova, Michael Fix, and Mark Greenberg



*Chilling Effects: The Expected
Public Charge Rule and Its
Impact on Legal Immigrant
Families' Public Benefits Use*

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Michael Fix, and
Mark Greenberg

bit.ly/MPIPublicCharge

Michael Fix



Michael Fix is a Senior Fellow at MPI, and previously served as its President. He joined MPI in 2005, as Co-Director of MPI's National Center on Immigrant Integration Policy and later assumed positions as Senior Vice President, Director of Studies, and CEO.

Mr. Fix's research focus is on immigrant integration and the education of immigrant children in the United States and Europe, as well as citizenship policy, immigrant children and families, the effect of welfare reform on immigrants, and the impact of immigrants on the U.S. labor force.

Prior to joining MPI, Mr. Fix was Director of Immigration Studies at the Urban Institute in Washington, DC.



TODAY'S PRESENTATION

Introduce report/policy context

Discuss historical context and the draft proposed rule

Analysis of benefits use of immigrants and families and implications for chilling effects

Broader policy implications of rule



REPORT'S KEY FEATURES

Lessons of the 1996 welfare reform law

Historical analysis of public charge

Estimates of expanded reach of proposed regulation

Analysis using ACS of 4 major programs

- TANF/GA; SSI; SNAP; Medicaid/CHIP
- *Proxy potentially eligible for ACA subsidies*



REPORT'S KEY FEATURES CONT'D.

Groups examined

- Noncitizens, naturalized, U.S. citizens
- Individuals, solo & in families
- Children of immigrants
- Hispanic & Asian American/Pacific Islander immigrants

Geography

- U.S.
- States

U.S. & state profiles can be accessed at
bit.ly/publicchargestatedata



KEY ISSUES RAISED BY RULE

Immigration, admissions

Immigrant access to public benefits

Relation of benefits use to immigrant integration and public health

Federalism

This research lies at intersection of MPI work on immigration & immigrant integration



“CHILLING EFFECTS”: DEFINITION, LESSONS FROM WELFARE REFORM

Immigrants and other eligible family members forgo public benefits and services out of fear or confusion

Key findings of the literature

- Steep declines program participation
- Exceed U.S. born
- Extend to protected groups



Mark Greenberg



Mark Greenberg joined MPI as a Senior Fellow in July 2017. His work focuses on the intersections of migration policy with human services and social welfare policies.

From 2009-17, Mr. Greenberg worked at the Administration for Children and Families (ACF) in the U.S. Department of Health and Human Services. He served as ACF Deputy Assistant Secretary for Policy from 2009-13; Acting Commissioner for the Administration for Children, Youth, and Families from 2013-15; and Acting Assistant Secretary from 2013-17. ACF includes the Office of Refugee Resettlement, which has responsibility for the refugee resettlement and unaccompanied children program, and has a strong research agenda relating to the programs under its jurisdiction. Among these are a wide range of human services programs, including Head Start, child care, child support, child welfare, and Temporary Assistance for Needy Families.



DRAFT PROPOSED RULE: HISTORICAL CONTEXT & PROPOSED CHANGES

Evolution of rule

History of public charge

Proposed policy and changes it represents



WHY PUBLIC CHARGE MATTERS

Can be a basis for

- Denying admission to the U.S.
- Denying adjustment of status
- Deportation, including deportation of lawful permanent residents

Public charge does not apply to naturalization



CURRENT STANDARD FOR PUBLIC CHARGE

Since 1999, standard for admission and adjustment of status

- Primarily dependent on cash assistance for income maintenance; or
- Institutionalization for long-term care at government expense

Standard for deportation

- Debt owed for services received
- Individual and sponsor fail to pay after all available actions to collect have been made



TOTALITY OF CIRCUMSTANCES

Must consider

- Age
- Health
- Family status
- Assets, resources, and financial status
- Education and skills

May consider

- Affidavit of support from sponsor



NEW STANDARD BEING DEVELOPED

- Administration planning to issue proposed rule
- There will be a comment period, then final rule will be issued
- It will be effective after final rule issued
- Proposed rule could be issued at any time

- Two leaked drafts (January and March) tell us what Administration was considering
- Discussion here is based on March draft



DEFINITION IN DRAFT RULE

Likely at any time to use or receive one or more public benefits

Public benefits mean any government cash or noncash assistance or services

- Means-tested or
- Intended to help the individual meet basic living requirements such as housing, food, utilities, or medical care



EXAMPLES OF COUNTED BENEFITS

- Supplemental Security Income (SSI);
- Temporary Assistance to Needy Families (TANF);
- State or local cash benefit programs for income maintenance;
- Any other federal public benefits for the purpose of maintaining the applicant's income;
- Nonemergency benefits under Medicaid;
- Subsidized health insurance, defined as any health insurance for which the premiums are partially or fully paid, on a nonearned basis, by a government agency;
- Supplemental Nutrition Assistance Program (SNAP);
- Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- State Children's Health Insurance Program (CHIP);
- Housing assistance under the *McKinney-Vento Homeless Assistance Act* or the Housing Choice Voucher Program (Section 8);
- Means-tested energy benefits (Low-Income Home Energy Assistance Program);
- Institutionalization for both long-term and short-term care at government expense; and
- The Earned Income Tax Credit (EITC) and similar refundable tax credits, when the credit exceeds the individual's tax liability.



COUNTING BENEFITS USE

Test looks at receipt or likelihood of receiving one or more benefits, not being “primarily dependent.”

Count both receipt by the individual and dependents of the individual

- This includes receipt by U.S.-citizen children



APPLYING THE STANDARD

Totality of circumstances test used to determine if individual is likely at any rate to receive one or more benefits

Heavily weighted negative factors:

- Current benefits use or use in past 36 months

Heavily weighted positive factor:

- Assets, resources, support of at least 250% of federal poverty guidelines



AFFECTED GROUPS

Rule would apply to visas for admission based on:

- Employment
- Family reunification
- Diversity

Rule would **not** apply to:

- Refugees and asylees
- Survivors of trafficking
- Special immigrant juveniles
- Other specified groups



DEPORTATION

Unclear if rule will have any effect on deportation standards

March draft said criteria “to be determined,” for discussion with Justice Department

Rule could

- Make no change from current standards
- Apply standard similar to or same as one applying to admission & adjustment of status
- Apply a different standard altogether

Jeanne Batalova



Jeanne Batalova is a Senior Policy Analyst at MPI and Manager of the Migration Data Hub, a one-stop, online resource that provides instant access to the latest facts, stats, and maps covering U.S. and global data on immigration and immigrant integration. She is also a Nonresident Fellow with Migration Policy Institute Europe.

Her areas of expertise include the impacts of immigrants on society and labor markets; social and economic mobility of first- and second-generation youth and young adults; and the policies and practices regulating immigration and integration of highly skilled workers and foreign students in the United States and other countries.



OUR APPROACH

Pooled ACS 2014-16 data

- State and country of origin analysis

Four major means-tested benefits + ACA subsidies

Impact on populations and geographies

Sensitivity analysis



MAJOR FINDINGS

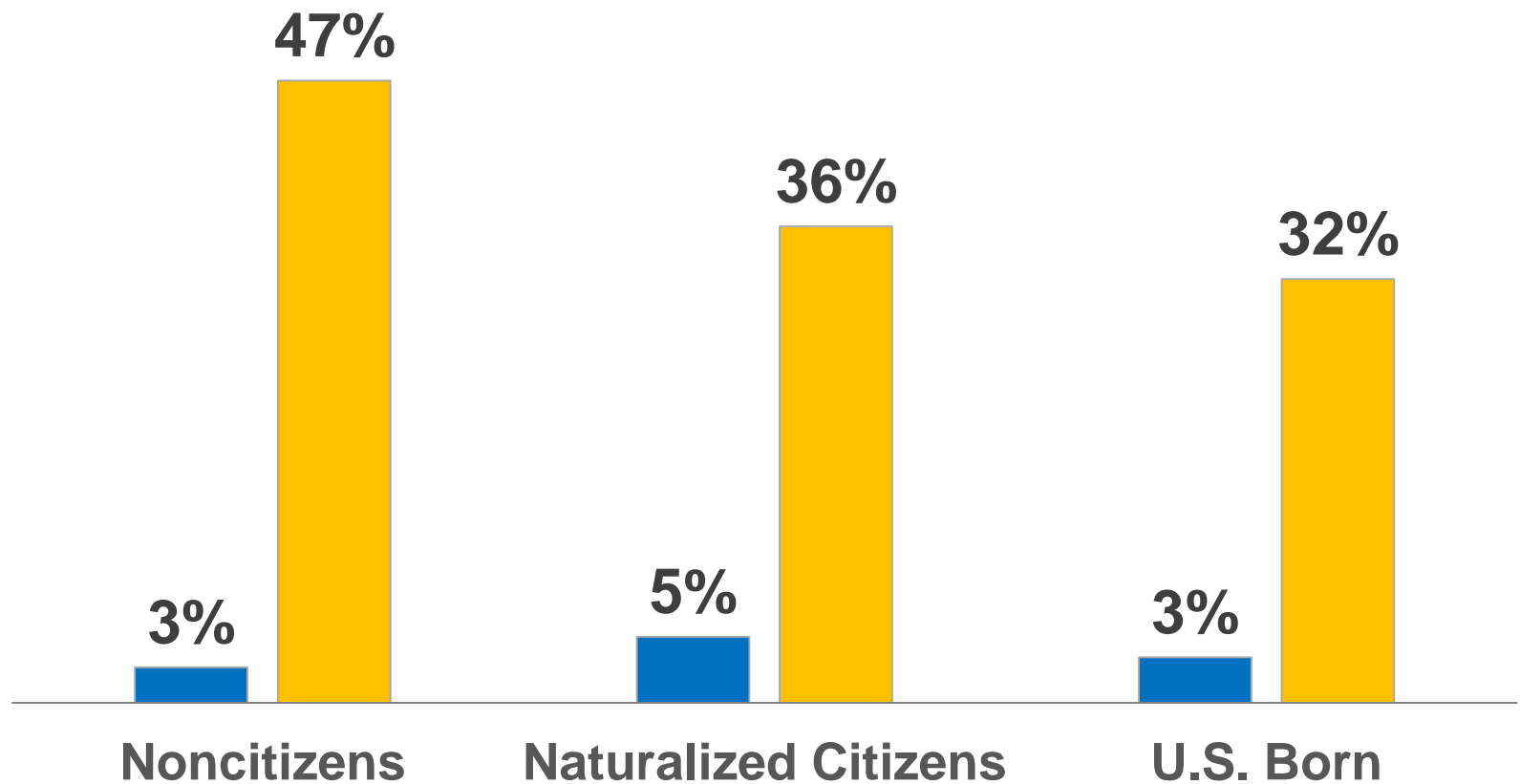
Current benefits use (individuals in families):

- 10.3M noncitizens
- 7.4M naturalized
- 87M U.S. born

SIGNIFICANT POTENTIAL IMPACT

■ CURRENT POLICY

■ DRAFT PROPOSED POLICY





MAJOR FINDINGS CONT'D.

Children under 18

- 10.5 M, incl. 9.2 M U.S. born

At least **27 M immigrants & U.S.-born children** are in benefit-receiving families

If immigrants' use patterns were to follow those observed during the late 1990s

- If 20% → 5.4M may disenroll
- If 60% → 16.2M may disenroll



MAJOR FINDINGS CONT'D.

Workers

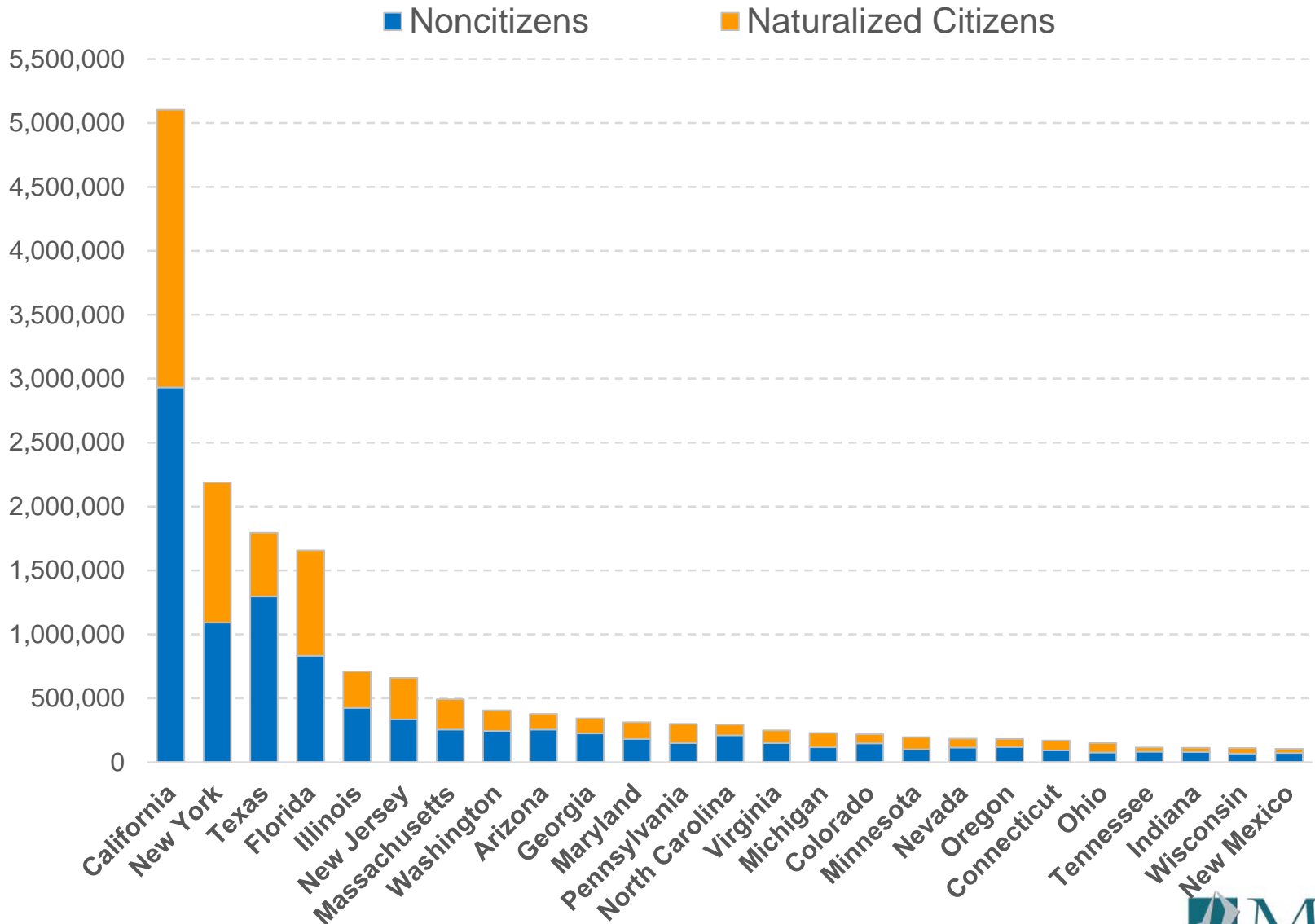
- More than 60% are employed → benefits act as work supports

Two major immigrant racial/ethnic groups

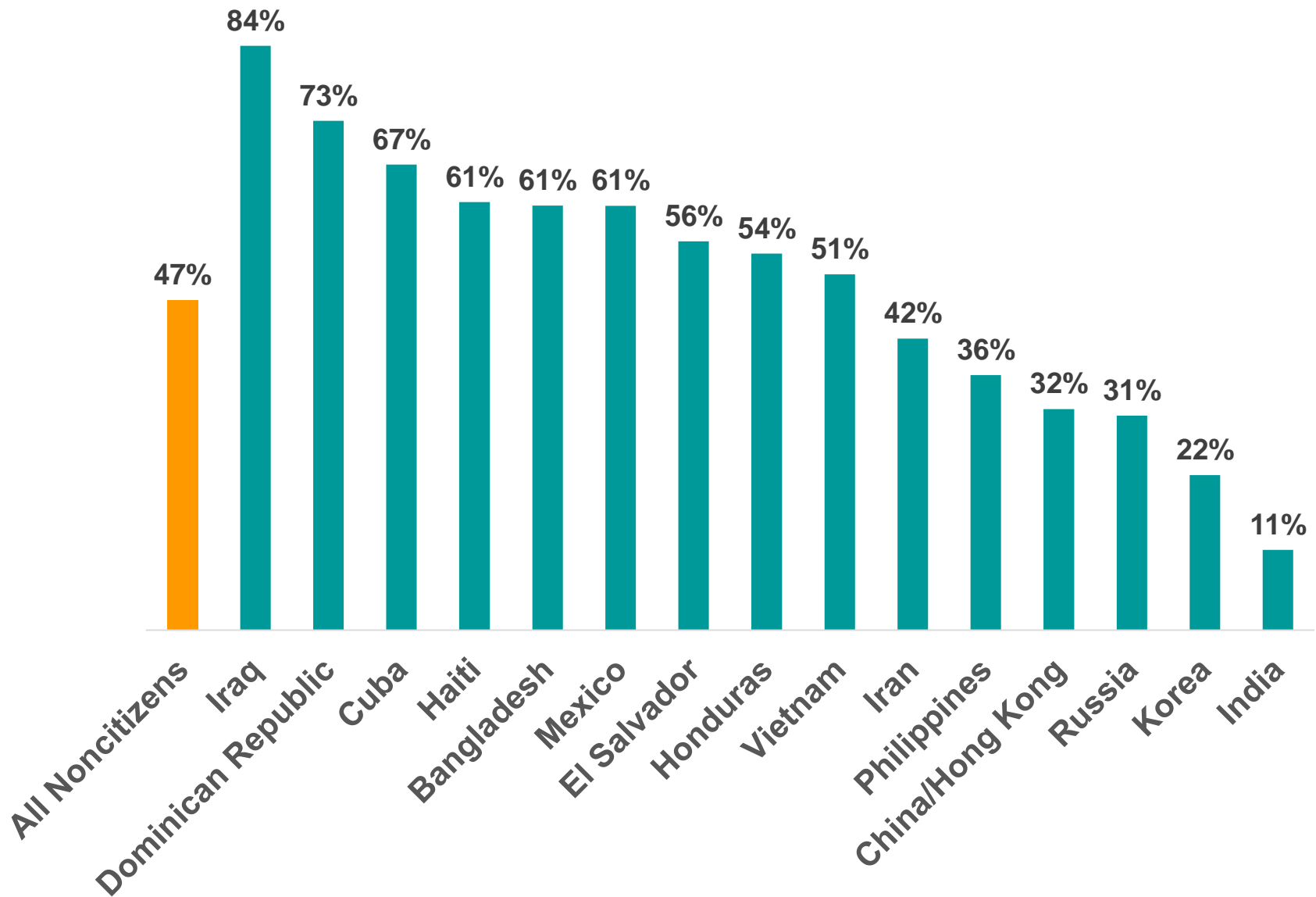
In families receiving benefits

- AAPI immigrants: 3.8 million or 32%
- Hispanic immigrants: 10.3 million or 54%

IMPACTS WIDELY FELT AT STATE LEVEL



IMPACT ON COUNTRIES OF BIRTH





POLICY IMPLICATIONS

Admission policy

- 250% poverty line
- Backdoor reform without legislation

Immigrant integration policy

- Settlement assistance

Public health

Federalism

- Overrides state choices
- Demands on providers



Q & A

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