Why the Proposed Public Charge Rules are Especially Harmful to Kids

Health Equity

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A new proposal from the Trump administration to make changes to "public charge" policies is the latest attack on immigrant families, and threatens the health and well-being of millions—not only of immigrants, but of their children, the majority of whom are U.S. born.

The "public charge" rule is a century's old policy that weighs to what extent an individual is or could become dependent on the government. This policy can be used to deny entry to the U.S., affect a person's legal status and, in rare cases, has been used as grounds for deportation. Under the current policy, those who are receiving cash assistance such as Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI) can be considered a "public charge" and be denied a visa or green card.

If proposed changes go into effect, the definition of public charge would expand to include non-cash benefits such as non-emergency Medicaid, Supplemental Nutrition Assistance Program (SNAP), Section 8 housing assistance and public housing. If a non-citizen is accessing any of these non-cash benefits, such as SNAP, they could be deemed a "public charge" and become ineligible for legal residency and citizenship. According to data from 2014-2016, the current cash assistance-based "public charge" policy has the potential to affect three percent of legal immigrants when applying for green cards and other visas. With the proposed changes to include non-cash benefits, the risk of becoming a public charge would drastically increase to 47 percent of legal non-citizens.

Although changes to the "public charge" rule will impact individuals of all ages, children may be hit particularly hard. Almost one-third (30 percent) of children in immigrant families live in poverty, compared to 20 percent of children with U.S. born parents. Poverty has significant negative effects on a child's development, making access to these safety net programs crucial for achieving positive short- and long-term outcomes. If proposed changes to public charge go into effect, immigrant parents may have to decide between adequately meeting the basic needs of their children and staying in the U.S., when leaving the U.S. could prove an even greater risk to the well-being of their children.

These proposed changes also directly contradict common convention around the importance of safety net programs as a primary child abuse and neglect prevention strategy, and the added stress on families will place more children at risk of involvement with the public child welfare system.

Changes to public charge rules have not yet been implemented, but fear and confusion over the recently announced proposal has resulted in many families already dropping out of programs for which they are still eligible. Additionally, even though the use of programs such as Women, Infants, and Children (WIC) and the Children's Health Insurance Program (CHIP) would not be affected by the proposed "public charge" changes, families may still disenroll from these non-affected programs because of misinformation or fear that their status

in the U.S. could eventually be jeopardized. As stated in the report *Chilling Effects* by Migration Policy Institute, changes to public charge rules "could have a negative impact on the wellbeing of these families, slow their social integration, make it difficult to become fully self-sufficient, and raise public health risks."

Not only would these changes have large negative impacts on immigrant communities, but also on our nation as a whole. Parents having less financial capacity to care for the basic needs of children may lead to child welfare system involvement. From our own research, we know that immigrant parents, and children in immigrant families, who are involved with the child welfare system are less likely than U.S.-born families to receive needed services that can prevent entry into foster care. For families involved with the child welfare system, these proposed changes to the public charge rule would create an even greater barrier and disincentive from enrollment in crucial therapeutic and prevention programs. Lack of engagement with such services could land children into foster care and, in the worst-case scenario, termination of parental rights.

There is still time to get involved to combat these proposed changes to public charge rules. Some options are to:

- Join the Protecting Immigrant Families Campaign, organized by Center for Law and Social Policy (CLASP) and the National Immigration Law Center (NILC)
- Use social media to speak out using the following hashtags: #ProtectFamilies and #OurAmericanStory
- Add the name of your organization to the Anticipated Public Charge Proposed Rule Statement Sign-On, organized by CLASP and NILC
- Contribute to public comment. Before the policy goes into effect, individuals and organizations can submit "written data, views, comments and arguments on all aspects of this proposed rule" by December 10. Find more information here: Inadmissibility on Public Charge Grounds.

Megan Finno-Velasquez, PhD, MSW, is an assistant professor and director of the Center on Immigration and Child Welfare in the School of Social Work at New Mexico State University. Jackie Jones is a Masters of Social Work candidate within the School of Social Work at New Mexico State University.