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Catholic Charities USA

- 167 Diocesan Member Agencies across all 50 states and US territories

- 10 million people assisted last year across wide variety of social services
 - Housing
 - Health and nutrition
 - Disaster Response
 - Social Enterprise
 - Immigration and Refugee

- 114,000 migrants receiving legal services
 - 27,000 for permanent residency
 - 16,000 for citizenship

Pope Francis on History of Immigration in the United States

In recent centuries, millions of people came to this land to pursue their dream of building a future in freedom. We, the people of this continent, are not fearful of foreigners, because most of us were once foreigners. I say this to you as the son of immigrants, knowing that so many of you are also descended from immigrants. . . . when the stranger in our midst appeals to us, we must not repeat the sins and the errors of the past. We must resolve now to live as nobly and as justly as possible, as we educate new generations not to turn their back on our 'neighbors' and everything around us.

Pope Francis, Address to U.S. Congress, Sept. 24, 2015.

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SNAP

Analysis: heavily weighed negative factor

Type of Benefit: Monetizable

How it will be calculated

DHS will calculate the value of the benefit attributable to the alien in proportion to the total number of people covered by the benefit, based on the amount(s) deposited within the applicable period of 12 consecutive months in which the benefits are received in the Electronic Benefits Transfer (EBT) card account;

Section 8 Housing

Analysis: heavily weighed negative factor

Section 8 Housing Assistance under the Housing Choice Voucher Program

How it will be calculated

DHS will calculate value of the voucher attributable to the alien in proportion to the total number of people covered by the benefit, based on the amount(s) within the applicable period of 12 consecutive months in which the benefits are received

Type of Benefit: Monetizable

Section 8 Project-Based Rental Assistance

How it will be calculated

DHS will calculate the value of the rental assistance attributable to the alien in proportion to the total number of people covered by the benefit, based on the amount(s) received within the applicable period of 12 consecutive months in which the benefits are received

Other Cash Benefits

Analysis: heavily weighed negative factor

How it will be calculated

DHS will calculate the value of the benefit attributable to the alien in proportion to the total number of people covered by the benefit, based on the amount(s) received within the applicable period of 12 consecutive months in which the benefit is received.

Type of Benefit: Monetizable

Medicaid

Analysis: heavily weighed negative factor ***Type of Benefit: Non-monetizable***

Having Health Insurance Can Be Negative:

While having health insurance would generally be a positive factor in the totality of the circumstances, recent (within the past 36 months) or current receipt of public health insurance that constitutes a public benefit

Excludes:

Foreign-born children including the following:

- a. Child of a US citizen
- b. Orphan adopted abroad by US citizen
- c. Orphan to be adopted by a US Citizen
- d. Hague Convention orphan adopted abroad by US citizen

Medicare Part D

Analysis: heavily weighed negative factor

Type of Benefit: Non-monetizable

Includes Premium and Cost Sharing Subsidies under Medicare Part D (low-income subsidies)

Excluded from consideration: other types of Medicare

The provision of a Part D low-income subsidy to an individual generally indicates a lack of ability to be self-sufficient in satisfying a basic living need, medical care

Public Charge Inadmissibility Determination – Factor Analysis

1. Prospective determination based on the totality of circumstances.

2. *Minimum factors to consider.* A public charge inadmissibility determination must entail consideration of the alien's age; health; family status; education and skills; and assets, resources, and financial status,

Impact: Confusion

- **Rule** sets up series of “highly negative” “negative” “positive” and “highly negative” factors for weighing whether person likely to become a public charge at any point in the future:
- **Impact**
 - Consular officials broad discretion to determine whether person passes test
 - For example: how many positives to outweigh a heavily negative, are some positives more or less than some negatives
 - Migrants and their families will face great uncertainty as to impact of up to 15 different factors
 - Denies human dignity as rule makes a judgement on persons entire future earning ability and contribution to society

Impact: Family

- **Rule:** Establishes having “no history of employment” and “size of family” to be considered “negative” factor when weighing whether a person is likely to become a public charge at any point in the future:
- **Impact**
 - Stay at home parents would likely receive a “negative” factor in decision
 - Punishes families for having children or choosing to have larger families
 - Caring for elderly parents or family members would count toward household size making it more likely to be considered a “negative”

Impact: Life

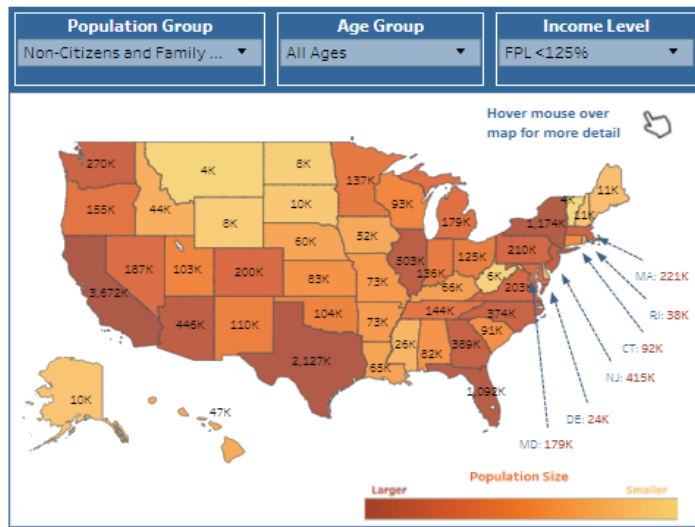
- **Rule:** Includes receipt of “Medicaid” as a “highly negative” factor and long-term institutionalization as negative factor
- Proposes including the Children’s Health Insurance Program (CHIP) as a negative factor for the rule
- **Impact**
 - Parents and their children without health insurance likely to go without health care
 - Hospitals and general public forced to cover uncompensated care
 - Pregnant women without health insurance to face decision of paying for birth out of pocket (\$9,000 to more than \$30,000) or taking benefit and facing possible negative public charge determination
 - CHIP inclusion would mean parents have to choose to insure their children or face possible negative public charge determination

Impact: the Poor and Marginalized

- **Rule:** Receipt of most forms of cash and non cash public assistance will be considered “highly negative” factor and income below 125% of FPG a negative factor.
- **Impact**
 - Migrants from poorer regions of the world likely to be disadvantaged – Kaiser Foundation
 - Nearly all 94% noncitizens who originally entered the U.S. without LPR status have at least one characteristic that DHS could potentially weigh negatively in a public charge determination.
 - 42% have characteristics that DHS could consider a heavily weighted negative factor and over one-third
 - 34% have income below the new 125% FPL threshold
 - Will actually hurt self-sufficiency, child health and lead to increased obesity, heart disease and diabetes* Source: <https://www.fns.usda.gov/pressrelease/2015/wh-120815>

Impact: the Poor and Marginalized

- **Impact**
 - [Nearly 18 million U.S. children](#) have at least one immigrant parent—that’s over one-quarter of U.S. kids.
 - Around **90 percent** of those kids are native-born U.S. citizens.



Source:
<https://www.manatt.com/Insights/Articles/2018/Public-Charge-Rule-Potentially-Chilled-Population>

Impact: the Poor and Marginalized

- **Impact**
 - Migrants from poorer regions of the world likely to be disadvantaged – wealth test

Median Family Income of Recent Immigrant Arrivals

TABLE 3.6

Median Family Income of Recent Immigrant Arrivals

Median adjusted family income (in 2013 dollars)

| | 1970 | 1980 | 1990 | 2000 | 2007 | 2013 |
|-----------------------------|----------|----------|----------|----------|----------|----------|
| Mexico | \$26,700 | \$27,500 | \$26,100 | \$30,800 | \$32,000 | \$31,100 |
| Other Central/South America | \$37,600 | \$33,200 | \$33,000 | \$37,900 | \$40,800 | \$37,400 |
| Asia | \$41,600 | \$39,200 | \$41,600 | \$51,500 | \$55,400 | \$46,000 |
| Europe | \$48,900 | \$47,600 | \$49,800 | \$53,400 | \$60,000 | \$66,600 |
| Caribbean | \$36,200 | \$33,300 | \$36,200 | \$38,700 | \$38,000 | \$31,100 |
| Africa | \$37,600 | \$33,300 | \$41,500 | \$43,000 | \$36,800 | \$34,800 |

Note: Recent arrivals refer to the foreign born who arrived within five years of the census or survey date. Based on family income in the calendar year preceding the census. Income standardized to a family size of three. For details, see <http://www.pewsocialtrends.org/2014/11/07/appendix-e-data-sources-and-methodology/>.

Source: Pew Research Center tabulations of 1970-2000 U.S. decennial census data and 2007 and 2013 American Community Survey (IPUMS)

PEW RESEARCH CENTER

Source:

http://www.pewhispanic.org/2015/09/28/more-immigration-wave-brings-59-million-to-u-s-driving-population-growth-and-change-through-2065/ph_2015-09-28_immigration-through-2065-37/

Impact: Hurts Economic Self-Sufficiency

- **Rule:** Says “economic self sufficiency” is driving goal of the regulation
- **Impact:**
 - Rule defines “public charge” to mean anyone who uses more than 15 percent of the poverty line in public benefits—\$2.50 per person daily for a family of four. This absolute standard overlooks the extent to which the person is supporting themselves.
 - For example, a family of four making 175 percent of the poverty line, or \$43,925 annually in private income, but which received \$2.50 per day per person in government aid would be **receiving just 8.6 percent of their income from the government**, meaning that they are 91.4 percent self-sufficient. Yet the rule could still consider a member of this family a “public charge” and deport them from the United States.
 - The current DHS standard for public charge of “primarily dependent” on government—i.e. 51 percent of a person’s income or greater—appropriately considers both aspects of public charge and protects taxpayers from losing billions in tax revenue from immigrants who are largely self-reliant.
 - Source: [CATO](#)

Impact: Social Service Providers

- **Rule:** Impact of forgoing public assistance means migrants are likely to increase reliance on charitable services to supplement lack of federal support

- **Impact**

DHS estimates that the total reduction in transfer payments from the federal and state governments would be approximately **\$2.27 billion annually due to disenrollment** or foregone enrollment in public benefits programs by migrants who may be receiving public benefits (based on 2-7% disenrollment rate).

However, previous studies (1994-98) showed that *just for SNAP* enrollment by US Citizen children in families with noncitizen parent fell by **53%** after changes to public welfare programs for fear of jeopardizing immigration status.* That would leave 2,385,000 people looking for food assistance.

Catholic Charities agencies serve approximately 1 in 9 of all people (11%) receiving food assistance in the US and spend on average \$91.47 per person for food service.** That means **an estimated \$24,000,000 per year to meet additional nutritional needs of people disenrolling.**

*Jenny Genser, Who Is Leaving the Food Stamp Program: An Analysis of Caseload Changes from 1994 to 1997 (Washington, DC: U.S. Department of Agriculture, Food and Nutrition Service, Office of Analysis, Nutrition, and Evaluation, 1999), <https://fns-prod.azureedge.net/sites/default/files/cdr.pdf>

**Catholic Charities USA 2017 Annual Survey and internal analysis

Impact: Undocumented Immigrants

- **Rule:** Rule identifies over 382,000 people in FY16 who would be subject to public charge review for inadmissibility.
- **Impact**
 - People who have received benefits out of necessity decide to avoid adjustment of status meetings for fear of denial.
 - Instead of leaving spouses, children, communities decide to become an undocumented immigrant
 - Now immigrant families who were working toward self-sufficiency with tax paying jobs forced to under the table work decreasing taxes paid

Impact: In their own words – Pg. 370

The rule itself predicts the following possible negative consequences:

1. Worse health outcomes, including increased prevalence of obesity and malnutrition, especially for pregnant or breastfeeding women, infants, or children, and reduced prescription adherence;
2. Increased use of emergency rooms and emergent care as a method of primary health care due to delayed treatment;
3. Increased prevalence of communicable diseases, including among members of the U.S. citizen population who are not vaccinated;
4. Increases in uncompensated care in which a treatment or service is not paid for by an insurer or patient;
5. Increased rates of poverty and housing instability; and
6. Reduced productivity and educational attainment.

Public Charge

If you care about:

1. Protection of life
2. Supporting family unity
3. The poor and the marginalized
4. Our nation where all people have a chance for a better future

Than:

You should care about this rule

WHAT YOU CAN DO:

Review Current Public Statements

United States Conference of Catholic Bishops: [Statement in Response to Notice of Proposed Rulemaking](#) on Immigrants and Public Benefits

Justice for Immigrants: [Statement in Response to Notice of Proposed Rulemaking](#) on Immigrants and Public Benefits

Catholic Charities USA CEO [Responds to Notice of Proposed Rulemaking](#) on Immigrants and Public Benefits

WHAT YOU CAN DO:

Next Steps - Review and Comment

Here is the link to the rule:

<https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>

Deadline for comments is December 10, 2018, comments can be filed here:

<https://www.regulations.gov/document?D=USCIS-2010-0012-0001>

WHAT YOU CAN DO:

Next Steps

- [CCUSA: Share Your Stories](#), we are encouraging staff at Catholic Charities agencies to help us share stories that document how this proposed rule with impact families. Have your Communities of Practice share stories with you directly and direct them to share stories at <https://www.catholiccharitiesusa.org/media-center/stories/submit-a-story/> Also let them know that identifying information can be redacted to protect individuals' privacy.
- Filing comments of agreement
- We are also encouraging our network to follow us on social media and sign up for our newsletter for updates:
Twitter: [@CCharitiesUSA](#)
[CCUSA Washington Weekly](#)

Questions?