



December 10, 2018

Submitted via www.regulations.gov

Samantha Deshommès, Chief
Regulatory Coordination Division
U.S. Department of Homeland Security (DHS)
USCIS, Office of Policy and Strategy
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Chief Deshommès:

First 5 California, in partnership with others, strengthens families, communities, and systems of services and supports so all children in California enter kindergarten ready to succeed in school and life.

First 5 California appreciates the opportunity to comment on the proposed rule change to the public charge. First 5 California strongly opposes the expansion of the public charge definition for lawful immigrants seeking to adjust their status, and urges DHS to rescind the proposal.

As a leading advocate for young children and families in California, First 5 California is deeply concerned that the inclusion of public benefits such as Medicaid (Medi-Cal), Special Nutritional Assistance Program (SNAP), and Section 8 housing assistance subsidies will prevent families from accessing vital support services that provide for the healthy and optimal development of children and families. These public benefits are meant to support all Americans, including new immigrants and their families as they play by the rules and work to legally adjust their status. We believe the rule expansion will have an incredibly adverse effect on child and family stability—including those who are not subject to the public charge test—and will have a disproportionate impact on states like California. In the U.S., one in four children have one immigrant parent, and in California, that figure is even higher, where one in two children have one immigrant parent.¹ But the majority of young children who would benefit from SNAP or housing vouchers are in fact American born citizens and would nonetheless be penalized by this proposed rule change.

Established 20 years ago, First 5 California was tasked directly by California's voters to urge leaders and lawmakers to prioritize the well-being of children in policy and budget decisions. Knowing 90 percent of a child's brain is developed by age five, First 5 California works with others to ensure all children are supported at the earliest moments possible. As early childhood development experts and advocates, we work to ensure all children get the best start in life by working to educate policymakers on the importance of early childhood development, promoting strong and healthy children from the earliest moments possible, and shifting the public mindset to one focused on prevention and well-being.

We know Medicaid, SNAP, and housing assistance programs allow low-income immigrant families the opportunity to keep their children healthy, fed, and housed while they work to support their families and lawfully adjust their immigrant status. Installing obstacles to these programs make our country and our state unhealthier, hungrier, and poorer, and will increase the cost of federal benefits in the future.

California will see the largest impact from the rule change. Our state is home to more than 39 million people with over 10 million immigrants.² California's immigrants pay billions in taxes to help support public benefits, yet access these services less often than U.S. born families.

The proposed rule is already creating a "chilling effect" among immigrant communities. We have heard from our early learning and health provider partners that immigrant families are removing themselves and their children from public programs they are legally entitled to access, putting the health and development of their children in jeopardy. As fear about public charge changes grows, children have stopped participating in child care and families have been canceling medical appointments. Nationally, 24 million people and 9 million children from immigrant families are projected to withdraw or refuse public benefits, representing 13 percent of the U.S. child population.³ Similar confusion and fear was seen in 1996 after the implementation of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) leading to a large reduction in the access of public services, even when qualified, putting the health and well-being of immigrant families at-risk for generations.⁴

Safety net programs like Medicaid (Medi-Cal) and SNAP are intended to ensure families have access to basic services and supports, which lead to increased positive outcomes for children. The early years of a child's life are marked by rapid growth and brain development, and consistent access to health services are especially important during this critical time.⁵ The rule expansion will have a disproportionate impact on children, especially as it relates to accessing and receiving timely and critical health services. According to the California Health Care Foundation, nation-wide, 4.8 million children who are in need of medical assistance and rely on Medicaid and the Children's Health Insurance Plan (CHIP) for services live in households with one immigrant adult. Of these children, up to 1.7 million will likely dis-enroll from these programs, including newborns and children living with life threatening diseases and those who require prescription medications. This lack of health care access will lead to higher health disparities among these children.⁶ Moreover, the advance of treatable conditions, including communicable diseases, will increase.

Research confirms when parents have access to health care services their children have higher utilization rates and better health outcomes.⁷ Elimination of essential services such as wellness checks, maternity and newborn care, developmental screenings and interventions, and preventive services will lead to negative health outcomes, compromising the healthy development of our youngest residents, increasing healthcare costs, emergency room usage, and the probability of their reliance on public benefits in the future.

Similarly, the SNAP, or CalFresh in California, provides nutritional support for over 4 million Californians, of which 74% include families with children.⁸ Throughout California, over 1.6 million children are food insecure.⁹ The reduction in use of the CalFresh program means low income immigrant families will lack the support to provide nutritious meals for their children so they can perform well in school, and lead healthier lives. When children are well-nourished they have

increased positive educational outcomes.¹⁰ Additionally, immigrant parents themselves will lack the nutritional support needed to be productive members of the workforce to provide for their children. CalFresh allows families the opportunity to free up their income to provide for other basic needs.

One in four children already experience housing instability in California, leading to overcrowded homes, and homelessness. The Section 8 housing assistance program is designed to provide stable and safe housing options for low-income residents, especially families with children. Families who receive housing assistance are less likely to live in overcrowded homes, become homeless, and move frequently.¹¹ The inclusion of Section 8 will increase the prevalence of homelessness and the trauma associated with it, and contribute directly to family instability.

The public charge expansion will not discourage immigrants from migrating to the U.S. but rather those who need vital support services simply will not seek essential support for themselves or their children. The proposed rule will increase illness, hunger, and homelessness with profound negative outcomes for children during childhood and into adulthood.¹² Entire communities benefit when all families have access to food, shelter, and health care, and pay the costs when access is withheld. For these reasons, First 5 California urges DHS to rescind the rule expansion, as it will devastate our most vulnerable communities.

If First 5 California can be of further assistance, please contact Erin Gabel, Deputy Director, at egabel@ccfc.ca.gov or (916) 263-1093.

Sincerely,



Camille Maben
Executive Director

Endnotes:

¹ Samantha Artiga & Anthony Damico. Nearly 20 Million Children Live in Immigrant Families That Could Be Affected By Evolving Immigration Policies. Washington, DC: Henry J. Kaiser Family Foundation, 2018. <https://www.kff.org/disparities-policy/issue-brief/nearly-20-million-children-live-in-immigrant-families-that-could-be-affected-by-evolving-immigration-policies/>

² Han Johnson & Sergio Sanchez. Immigrants in California. Sacramento, CA: Public Policy Institute of California, 2018. <http://www.ppic.org/publication/immigrants-in-california/>

³ FPI Estimates Human & Economic Impacts of Public Charge Rule: 24 Million Would Experience Chilling Effects. New York, New York: Fiscal Policy Institute, 2018. <http://fiscalspolicy.org/wp-content/uploads/2018/10/US-Impact-of-Public-Charge.pdf>

⁴ Fix, M., & Passel. The Scope and Impact Welfare Reform's Immigrant Provisions. Washington, DC: Urban Institute, 2002.

⁵ Jennifer Laird, Neeraji Kaushal, Jane Waldforgel, Christopher Wimer. Forgoing Food Assistance out of Fear. Changes to Public Charge Rule May Put 500,000 More U.S. Citizen Children at Risk of Moving Into Poverty. Columbia Population Research Center, 2018. https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5ac63aaf88251b8bef4532a4/1522940592522/Poverty+and+Social+Policy+Brief_2_2.pdf

⁶ Leah Zallman and Karen Finnegan. Changing Public Charge Immigration Rules: The Potential Impact on Children Who Need Care. Sacramento, CA: California Health Care Foundation, 2018. <https://www.chcf.org/publication/changing-public-charge-immigration-rules/>

⁷ Institute of Medicine. Health Insurance is a Family Matter. Washington, DC: The National Academies Press, 2002. <https://www.nap.edu/read/10503/chapter/3#14>

⁸ SNAP Fact Sheet for California. Washington, DC: Center on Budget and Policy Priorities, 2018. https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_california.pdf

⁹ Carol Medlin, Ph.D. and Erin McDonald, Ph.D. Map the Meal Gap 2018: A Report on County and Congressional District Food Insecurity and County Food Cost in the United States 2016. Chicago, IL: Feeding America, 2016. <https://www.feedingamerica.org/sites/default/files/research/map-the-meal-gap/2016/2016-map-the-meal-gap-all-modules.pdf>

¹⁰ Research Summary: School Nutrition and Academic Achievement. Oakland, CA: California Food Policy Advocates, 2016. https://cfpa.net/ChildNutrition/Education%20Reform/CFPA_LCAP_Research%20Summary%20and%20Overview_FINAL_16_12_06.pdf

¹¹ Michelle Wood, Jennifer Turnham, Gregory Mills. Housing Affordability and Family Well-Being: Results from the Housing Voucher Evaluation. *Housing Policy Debate* 19 (2008). <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.530.3116&rep=rep1&type=pdf>

¹² Caroline Ratcliffe, Signe-Mary McKernan. Effects of Poverty, Hunger and Homelessness on Children and Youth. Washington, DC: American Psychological Association, 2012. <https://www.apa.org/pi/families/poverty.aspx>

First 5 California was established in 1998 when voters passed Proposition 10, which taxes tobacco products to fund services for children ages 0 to 5 and their families. First 5 California programs and resources are designed to educate and support teachers, parents, and caregivers in the critical role they play during a child's first five years – to help California kids receive the best possible start in life and thrive. For more information, please visit www.ccfc.ca.gov.