

The David and Lucile Packard Foundation

November 29, 2018

Submitted via www.regulations.gov

*U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140*

**RE: Comments on Proposed Regulation—Inadmissibility on Public Charge Grounds
(DHS Docket No. USCIS-2010-0012)**

Dear Sir or Madam:

The [David and Lucile Packard Foundation](#) (Foundation) opposes the Department of Homeland Security's newly proposed public charge regulations that would greatly undercut efforts to address children's health and well-being. For over fifty years, the Foundation has worked in partnership with organizations and other funders to promote change in our long-standing areas of commitment: children, families, communities—and the restoration and protection of our planet. We invest in the well-being of children and families because a lifetime of health and learning are built during the first five years of a child's life, and adults are key to making these foundations strong¹.

Under the proposed rule, an immigrant would be considered likely to become a public charge if he or she was determined to be likely to use a broad range of public benefits that help families stay productive and raise thriving children, including health insurance under Medicaid, public housing, and nutrition assistance under the Supplemental Nutritional Assistance Program (SNAP). And, while current standards use a test based on whether an individual is likely to be "primarily dependent" on certain benefits, the proposed rule would set very low thresholds so that even minimal future use could be a basis for finding the immigrant likely to become a public charge. While the proposed rule has a specific list of countable benefits, we believe it is very foreseeable that the chilling effects will extend far beyond that list, as eligible immigrants become fearful that current receipt of other benefits could jeopardize their immigration status in the future.

If this rule is implemented, participation in programs like Medicaid and SNAP are likely to decrease among legal immigrant families and their U.S.-born children, negatively affecting U.S. citizens which is beyond this rule's intent. A recent [report](#) published by the California Health Care Foundation estimates that up to 1.7 million children in need of medical attention are likely to be disenrolled from Medicaid or the Children's Health Insurance Program (CHIP) if the rule is adopted². An analysis conducted by the [Kaiser Family Foundation](#) similarly projects up to two million citizen children with a non-citizen parent disenrolling from Medicaid or CHIP despite eligibility³. These losses would increase the uninsured rate for citizen children with a noncitizen

parent from 8% to between 14% and 22%. The stakes are high -- about 20 million, or [1 in 4 children](#) in the U.S. has at least one immigrant parent, and 9 out of 10 of these children are U.S. citizens⁴.

We are particularly concerned with the negative impact that the proposed rule will have on children's health insurance coverage and early childhood nutrition. Access to quality, affordable health care keeps children healthy and gives them a strong start in life which makes them more likely to become healthy adults and have greater academic and economic success⁵; it ensures that children reach milestones in their development and sets them on a path of healthy physical, social, and emotional development. Over the last few decades, Medicaid policies have been improved to make it easier for children to get and stay insured, helping our country reach historic health coverage for 95 percent of all children⁶. The proposed regulation puts these coverage gains at risk and will likely add to a decline we are already seeing⁷.

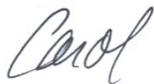
The [Department of Homeland Security](#) has recognized that adoption of this rule could increase poverty among immigrant families with citizen children, and immigrants foregoing benefits for themselves and their families could experience adverse health effects, medical expenses due to delayed health care, and reduced productivity and educational attainment⁸. The expansion of the public charge definition and application threatens those who have come to America legally to build better lives for themselves and their families. It goes against who we are as a country and threatens the health of millions of children.

Our local communities have expressed concern for the health and safety of its residents. In a press release, the [County of Santa Clara](#), states that changes to the long-standing public charge rule threatens residents' use of essential benefits and undermines the county's efforts to help communities thrive⁹. Foundation partners and [news outlets](#) have also reported families already dropping out from health coverage, nutrition services, and preschool programs for fear that this rule will become finalized, even if the rule does not apply to them or if the program is not included in the rule as it stands¹⁰.

As a Foundation that has worked for decades on behalf of children and families, we believe that standing by and allowing a policy that invokes fear among families and communities across the nation would be harmful to children and cause unintended deleterious effects on their future. No additional public benefit programs beyond those that are considered under current standards should be added to the public charge assessment. Enacting a regulation that undermines the health and well-being of families runs counter to our ideals.

We request that the DHS review the citations and links provided below and that you take the information into consideration when deliberating on the proposed rule.

Sincerely,



Carol Larson
President & CEO
The David and Lucile Packard Foundation

Endnotes

¹<https://www.packard.org/>

² Leah Zallman and Karen Finnegan, Public Charge Rule Could Prompt Up to 455,000 California Kids Who Need Care to Leave Medi-Cal, California Health Care Foundation, November 15, 2018, www.chcf.org/blog/public-chargerule-prompt-thousands-kids-need-care-leave-medi-cal/.

³ Samantha Artiga, Anthony Damico, and Rachel Garfield Potential. *Effects of Public Charge Changes on Health Coverage for Citizen Children*, Kaiser Family Foundation, May 18, 2018, <https://www.kff.org/disparities-policy/issue-brief/potential-effects-of-public-charge-changes-on-health-coverage-for-citizen-children/view/footnotes/>

⁴ Samantha Artiga and Anthony Damico, *Nearly 20 Million Children Live in Immigrant Families that Could Be Affected by Evolving Immigrant Policies*, Kaiser Family Foundation, April 18, 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/>

⁵ Karina Wagnerman, Alisa Chester, and Joan Alker, *Medicaid is a Smart Investment in Children*, Georgetown University Center for Children and Families, March 2017, <https://ccf.georgetown.edu/wp-content/uploads/2017/03/MedicaidSmartInvestment.pdf>.

⁶ Georgetown University Center for Children and Families, *How Proposed Changes to Public Charge Would Impact Children in Immigrant Communities*, https://ccf.georgetown.edu/wp-content/uploads/2018/11/Public-Charge-Fact-Sheet_Final_11918.pdf

⁷ Olivia Pham, *New Census Data Reveal Troubling Signs for Children's Health Coverage*, Georgetown University Center for Children and Families, September 2018, <https://ccf.georgetown.edu/2018/09/14/new-census-data-reveal-troubling-signs-for-childrens-health-coverage/>.

⁸ 83 Fed. Reg. 51270, <https://www.regulations.gov/document?D=USCIS-2010-0012-0001>

⁹ Office of the County Counsel County of Santa Clara, County of Santa Clara Denounces Latest Trump Administration Effort to Undercut Safety-Net Services and Target Immigrant Communities, September 22, 2018, <https://www.sccgov.org/sites/cco/public-charge/Documents/09-22-18%20-%20Public%20Charge%20Press%20Release.pdf>

¹⁰ Deepti Hajela and Collen Long, *Immigrants refuse aid for fear it will doom green card hopes*, AP News, <https://www.apnews.com/460423ab286a4014bfe458a6989cc3f9>