PHILANTHROPY CA
An Alliance of Northern California, Southern California and San Diego Grantmakers

December 9, 2018

Ms. Samantha Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Subject: DHS Docket No. USCIS-2010-0012

Dear Ms. Deshommes:

On behalf of Philanthropy California, we write to express our strong opposition to the U.S. Department of Homeland Security's (DHS) Notice of Proposed Rulemaking ("proposed rule") on "public charge," published in the Federal Register on October 10, 2018.

The proposed DHS rule would expand the government's ability to deny immigrants permanent residency or visas if a person benefits from aid programs such as the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and housing assistance programs. As written, these proposed changes inflict significant harms on children and families, depart from longstanding immigration practice related to public charge, and place a new, extraordinary burden on the charitable sector.

Philanthropy California is an alliance of Northern California, Southern California, and San Diego Grantmakers with a collective membership of more than 600 foundations, corporate giving programs, and philanthropists. In 2016, foundations gave approximately $10 billion to over 14,000 nonprofits in the state in support of a variety of issues and initiatives. As the voice of California's philanthropic community, we collaborate statewide to provide a forum for exchanging ideas, sharing knowledge, and leveraging our efforts for greater impact in service of communities across the state. We oppose the proposed rulemaking for the reasons below.

Firstly, funders in California have made tremendous investments to increase families' access to health and social services. Since the passage of the Affordable Care Act, our members have financially supported outreach efforts to enroll eligible persons in Medicaid. Medicaid and the Children's Health Insurance Program (CHIP) are essential parts of the social safety net that provides lawfully present immigrants access to needed care and protections from high medical costs that support their ability to work. The programs assist in the growth and healthy development of their children, many of whom are United States citizens.

Even the mere introduction of the proposal has affected our communities' access to programs to which they are lawfully entitled. Our partners in direct services have reported that immigrant families have been dropping out of government programs such as SNAP and CHIP in fear of a change in their immigration status, even though CHIP is not suggested as an identified benefit for consideration of public charge.

Research backs these anecdotes. According to the Kaiser Family Foundation, implementation of the proposed rule would lead to disenrollment rates from Medicaid and CHIP ranging from 15 percent to 35 percent. This translates to an estimated 875,000 to 2 million citizen children with a noncitizen parent that could drop Medicaid/CHIP coverage despite remaining eligible. The uninsured rate for this population would rise 8 percentage points to between 14 percent and 22 percent.

Furthermore, this loss in coverage would be compounded by reduced participation in other programs such the Earned Income Tax Credit, free or reduced price lunch programs, and Women Infant and Children's Program (WIC) that provide important sources of support for many working families. Decreased participation in these programs would negatively affect the financial stability of families and the growth and healthy development of children. If adopted, the proposed rule would dissuade even more families from accessing healthcare, housing, and food assistance programs.

Secondly, as written, the proposed rule represents a significant departure from longstanding immigration policy in place for nearly two decades. In California, funders have worked collaboratively to advance the civic and economic integration of immigrants. Since 2007, funders have invested more than $30 million to advance naturalization and citizenship efforts, fund research on the economic impact of immigrants, and implement the Deferred Action for Childhood Arrivals (DACA) program. As proposed, these changes would harm such integration efforts, particularly with the proposed rule's "look back" provision of 36 months, a considerable departure from the current prospective determination of public charge.

Finally, the proposed regulations would have negative effects on the capacity of our sector. As eligible immigrants turn away from legally available from Medicaid, CHIP, and SNAP benefits, our partners in the nonprofit sector will bear the brunt of the chilling effects of the proposed rule. In turn, nonprofits already grappling with scarce resources will further turn to philanthropy to fill the gap and provide resources for the health and safety of children and families. However, philanthropy simply cannot replace the scope and scale of government funding for core human services that support the wellbeing of our communities.

For the above reasons, we strongly urge DHS to withdraw the proposed “public charge” rule. If you have any questions regarding this subject, please contact Seyron Foo, Director, Public Policy and Government Relations, by phone at (213) 680-8866 ext. 221 or by email at seyron@philanthropyca.org. Thank you for your consideration.

Regards,

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