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Samantha Deshommnes,  
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

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

Dear Chief Deshommnes,

On behalf of the California Association of Food Banks (CAFB), we write to offer comments on the Department of Homeland Security's (DHS) [proposed rule on public charge](#).

The proposed rule represents a massive change in current policy, proposing a significant expansion of the list of programs to be considered for a public charge determination, including public benefits like the Supplemental Nutrition Assistance Program (SNAP, CalFresh in California) and other safety net programs that help low-income families meet basic needs like food, healthcare and housing. Under current policy, a public charge is defined as an immigrant who is “likely to become primarily dependent on the government for subsistence.”

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) limited immigrant eligibility for federal means-tested public benefits, but unlike the current proposed rule, Congress did not amend the public charge law to change what types of programs should be considered. After 1996, the use of public assistance programs by legal immigrants was chilled due to fear and confusion about how their utilization of these programs would be considered.

The proposed rule stands in sharp contrast to an administrative guidance issued in 1999 by the Immigration and Naturalization Service (INS). This guidance, which remains in effect today, clarifies that the public charge test applies only to those “primarily dependent on the government for subsistence”, demonstrated by receipt of public cash assistance for “income maintenance”, or institutionalization for long-term care at government expense. The guidance specifically lists non-cash programs such as Medicare, Medicaid, food stamps, WIC, Head Start, childcare, school nutrition, housing, energy assistance, emergency/disaster relief as programs NOT to be considered for purposes of public charge.

**We urge the administration to withdraw this harmful rule that will increase hunger and hardship** for low-income immigrant families (including their U.S. citizen children). The size and scope of the proposed rule's impacts would be devastating to our efforts to combat hunger and

poverty both nationally and here in California. Nationwide, [an estimated 24 million people, including approximately 9 million children under 18 would be impacted](#) by the proposed policy changes. Moreover, the proposed rule would have outsized impacts in California, where it is estimated that more than [10.4 million noncitizens and their family members and 5.2 million noncitizens are expected to be impacted](#)—accounting for nearly half of the total impact estimates nationwide.

The California Association of Food Banks represents 41 food banks and 6,000 charitable partners working to end hunger in California. We stand on the front lines of hunger and see first-hand the challenges California families face in putting food on the table and making ends meet. Yet, as hard as we work to help those struggling with hunger in our communities, we could never meet the need without robust anti-hunger programs like SNAP.

[With nearly 40 million Americans still living in poverty](#), SNAP is our nation’s most important anti-hunger program. Federal anti-hunger programs are essential to preventing hunger and some of the worst outcomes of poverty. [SNAP helps put food within reach and helps lift more than 4 million Californians out of poverty](#). In fact, [for every meal that charity provides, SNAP provides 12](#). Yet, because SNAP benefits are inadequate to last the entire month, [nearly 1 in 3 households still rely on food banks to make ends meet](#) and food banks are already struggling to meet the current need. If the administration enacts these proposed policy changes, food banks will not be able to meet the increased need and low-income Californians will go hungry as a direct result of this rule.

[California continues to have one of the highest poverty rates in the nation](#), grappling with near crisis levels of hunger and poverty. According to the latest data, [11.8 percent of U.S. households \(15 million households\)](#)—were food insecure last year. Yet, despite declines in California’s food insecurity rate, low-income Californians are still struggling to combat the effects of poverty, food insecurity and hunger statewide.

The proposed rule holds [significant consequences for the health, nutrition and economic self-sufficiency of our state’s low-income families](#) with the rule text asserting that disenrollment or forgoing enrollment in benefits for which individuals are eligible could lead to:

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

These are not abstract effects, but rather known consequences of the proposed public charge rule. The proposed rule runs completely counter to what we know works. Investments in nutrition, healthcare, and other essential needs keep children learning, support working families and allow all of us to contribute fully to our communities. In contrast, the proposed rule will fuel rates of

food insecurity, and hunger across our state and plunge families deeper into poverty, making our communities hungrier, poorer and sicker. Decades of research have shown that living in poverty can give rise to toxic stress for children, families and low-income communities. In fact, the [American Academy of Pediatrics](#) links childhood toxic stress to the subsequent development of persistent socioeconomic inequalities, unhealthy lifestyles and poor health later in life.

The administration's proposed rule further penalizes and stigmatizes low-income immigrant families for accessing basic assistance. The proposed rule establishes a false choice, forcing our country's low-income immigrant families to choose between meeting their basic needs and keeping their families together, while building barriers to public benefits that will make it more difficult, not less, for low-income immigrant families to put food on the table and stay healthy. The policies articulated in the proposed rule would terrify immigrant families, discourage or prevent hard-working people from immigrating, and deter immigrant families from seeking the help they need to lead a healthy and productive life. By the Department's own admission, the rule *"has the potential to erode family stability and decrease disposable income of families and children because the action provides a strong disincentive for the receipt or use of public benefits by aliens, as well as their household members, including U.S. children."* Targeting low-income families will only exacerbate hunger and food insecurity, unmet health care needs, poverty, homelessness, and other serious problems. If it moves forward, the rule will have ripple effects on the health, development and economic outcomes of generations to come.

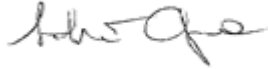
In the proposed Rule, DHS estimates the number of individuals who are likely to disenroll or forgo enrollment in public benefit programs, including SNAP, at 2.5 percent of the number of recipients who are members of households that include foreign-born, non-citizens. Even though this estimate is based on a deeply flawed analysis, under this conservative scenario, almost 130,000 people — many of them children — would lose access to SNAP. It is clear that the DHS analysis fails to consider the broader impacts the proposed Rule would have on immigrant families among both those for whom the public charge determination would apply, as well as those for whom public charge would not be an issue but would be impacted by a chilling effect.

In addition, the proposed rule would result in a significant cost shift to states and localities that would harm the health, economic security and wellbeing of our state's low-income families. When families disenroll from SNAP and other safety net programs, their need for basic supports does not disappear. Instead, costs associated with assisting families to meet their basic needs previously paid for with federal funds will be shifted to state and local entities. Moreover, these cost shifts will add additional burden to county staff workloads and increased instances of caseload "churn" as families disenroll from programs affected by the proposed rule changes and re-enroll over time as their household circumstances change.

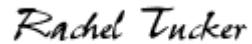
Finally, the rule builds upon the [chilling effect](#) that food banks and other emergency food providers have witnessed first-hand, with many families choosing to [dis-enroll or forego critical health and nutrition benefits](#) for fear of losing their legal pathway to stay in this country or being separated from their families. The [UCLA Center for Health Policy Research](#) estimates as many as 860,000 Californians could be impacted as a result of the proposed rule, nearly three-quarters of which are children. The chilling effect created by the proposed rule will have health and economic ripple effects triggering anywhere from \$209 million - \$488 million in annual benefit reductions-- meaning lost dollars and economic activity for low-income consumers, retailers and agricultural producers statewide.

We strongly oppose the proposed rule on public charge, which will jeopardize the nutrition, health and shared prosperity of communities across California—making our state poorer, hungrier and sicker. As a nation of immigrants, we cannot divorce our immigrant past from our present day. The immigrant story is the American story and nowhere is this truer than in California. The Department’s proposed rule will force immigrant families to make impossible decisions that will compromise their health, nutrition and economic security for years to come and we urge the administration to withdraw this harmful rule.

Sincerely,



Andrew Cheyne  
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California Association of Food Banks



Rachel Tucker  
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California Association of Food Banks