



Immigrant Families' Access to Nutrition: Threats and Strategies to Push Back

Presented by:
Food Research & Action Center (FRAC)
Maryland Hunger Solutions

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Speakers

Alexandra Ashbrook
Director of Special Projects and Initiatives
Food Research & Action Center



Susan Beaudoin
Special Projects and Initiatives Associate
Food Research & Action Center



Michael J. Wilson
Director
Maryland Hunger Solutions





FRAC is the leading national nonprofit organization working to eradicate poverty-related hunger and undernutrition in the United States.

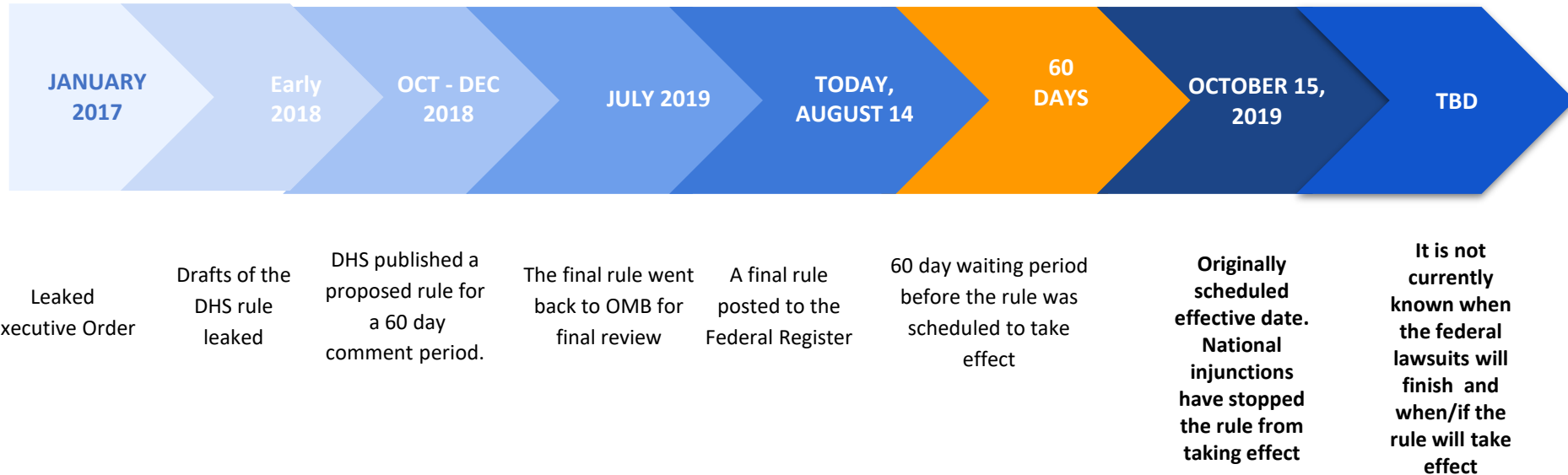
Agenda

- DHS public charge rule
- DOS and DOJ public charge rules
- Other threats to immigrant families
- Impact on food and nutrition program access
- State perspective
- Q&A
- Actions states and localities can take

Slides will be shared

Department of Homeland Security Public Charge Rule

Public Charge: Timeline



To stay up to date on developments in the coming weeks make sure you are signed up for our email list. Go to <https://bit.ly/PIFCampaign>

Where does public charge come up?

A public charge assessment is made when a person:

- Applies to enter the U.S.
- Applies to adjust status to become a Lawful Permanent Resident (LPR) - obtaining a green card
- A green card holder leaves the U.S. for more than 180 consecutive days (6 months) and reenters

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Does this test apply to everyone?

The public charge ground of inadmissibility does NOT apply to everyone. Here are some examples of public charge does NOT apply to:

- Lawful Permanent Residents (“green card holders”) applying for citizenship
- Refugees and Asylees
- VAWA Self-petitioners
- Survivors of Domestic Violence, Trafficking, or Other Serious Crimes (U or T visa applicants/holders)
- Special Immigrant Juveniles
- Certain Parolees, and several other categories of non-citizens

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Longstanding Public Charge Test

Prior Definition

A person who is considered “likely to become primarily dependent on the government for subsistence.”

Prior Benefits Considered

Only two types of benefits considered:

1. **Cash assistance** for income maintenance
2. Institutionalization for **long-term care** at government expense

Longstanding public charge test

Totality of Circumstances

- Age
- Health
- Family status
- Financial status
- Education and skills
- Affidavit of support

The public charge assessment is forward-looking



Is the person likely to rely on cash or long-term care in the future?

- No one factor (including past use of cash benefits) can alone determine whether or not someone is a “public charge”
- Positive factors can be weighed against negative factors

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Why this proposal is a radical change

DEFINITION CHANGE

This definition would change from individuals likely to rely on the government for their main source of support to individuals likely to use health, nutrition or housing assistance in the future.

MORE FACTORS CONSIDERED

The totality of circumstances test has new detailed factors that make it harder for low and moderate income people to pass. Immigrants would have a harder time passing the test if they are low-income, don't speak English well, have a medical condition, etc.

ADDITIONAL BENEFITS

Additional benefits included in the test: Medicaid (with exceptions), SNAP, and Housing assistance

Final Public Charge Rule: TOC Test

- **Income and Financial Status**
 - Under 125% FPL (negative); Over 250% FPL (heavy positive)
- **Age**
 - Under 18 or over 61 (negative)
- **Education and Skills**
- **Health**
 - Medical condition likely to require extensive treatment, institutionalization or interfere with ability to care for self, attend school or work
- **Family Status**
- **Affidavit of Support**

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Final Public Charge Rule: Benefits

Cash Assistance for Income Maintenance

Supplemental Nutrition Assistance Program (SNAP or Food Stamps)

** Medicaid (with exceptions)

Long Term Institutional Care at Government Expense

Federal, State, Local and Tribal Cash Assistance

Housing Assistance (Public Housing or Section 8 Housing Vouchers and Rental Assistance)

** Exceptions for emergency medical conditions, & coverage of children < 21 and pregnant women.

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Totality of Circumstances: Family

- Receipt of benefits by dependents (including U.S. citizen children) would not be a factor in applicant's public charge test under the rule.
- If a child or family member is an immigrant, his/her own use of benefits counts toward his/her own public charge determination.
- Dependents are included in the calculation of household size and may make it harder for immigrants to meet the income test.



Changes will NOT be retroactive

*Use of the newly named benefits
before the proposed rule is final
and in effect - will not be
considered in public charge
determinations.*

Under the rule, DHS cannot consider:

- Any newly named public benefits that are received before the proposed rule is effective

Remember* DHS current policy considers use of cash and long-term care. That element of the policy will remain the same

Things to Keep in Mind

- **The rule is not in effect.**
 - Applies only to applications submitted on or after the effective date (now TBD).
 - Newly named benefits used prior to the effective date will not be considered.
- **Not everyone is subject to the rule.**
 - Many immigrants are exempt from the public charge inadmissibility ground.
 - Benefits used by family members will not be counted.
- **Positive factors can be weighed against negative factors** in this forward-looking test.
- **Every situation is different.**
 - Families can consult with an immigration attorney if you have questions about their own case.

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The Chilling Effect: The Big Picture

Threats may deter (and have already deterred) immigrants and their family members from seeking basic needs programs, because of:

- Confusion over which benefits are covered
- Complexity of proposed policy changes
- Discretionary application of the public charge rule



1 in 4 children has
an immigrant parent.

**Do other agencies interact
with public charge?**

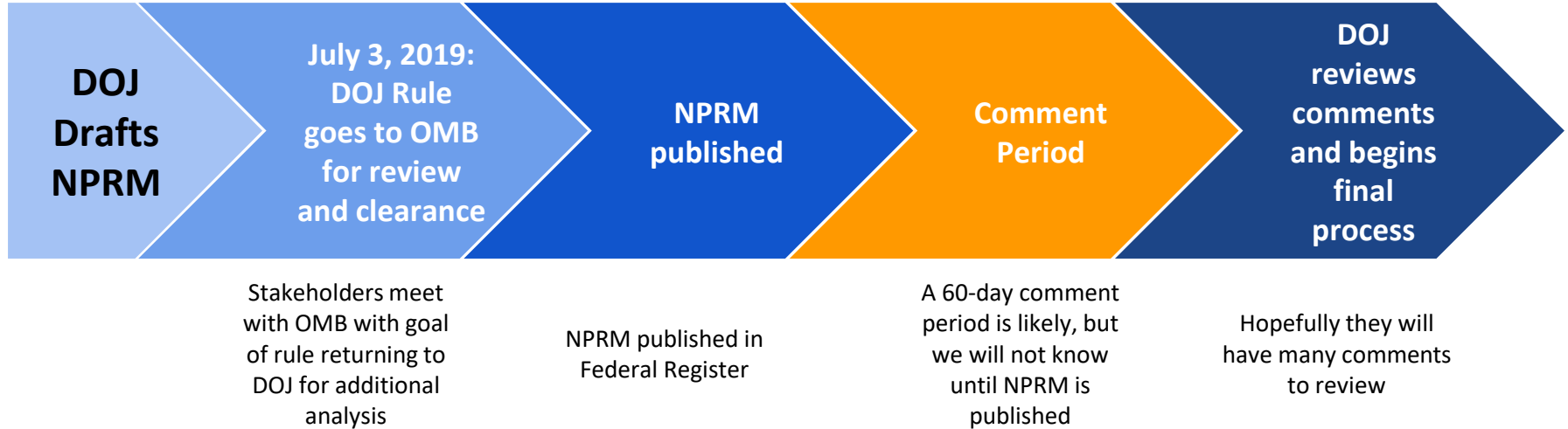
Department of State Foreign Affairs Manual

VISAS & GREEN CARDS PROCESSED ABROAD

State Department's Foreign Affairs Manual Changes

- January 2018
- October 2019

Possible Department of Justice (DOJ) Proposed Rule



Other Threats to Immigrant Families

Trump's Invisible Wall: Direct and Indirect Effects

- **Directly affected individuals**
 - The proposed threats could prevent immigrants from using the programs their tax dollars help support, preventing access to healthy, nutritious food and secure housing.
- **Broader population of people subject to “chilling effect”**
 - Family members living with or sponsoring immigrants, particularly U.S. citizen children
 - Non-family sponsors, co-sponsors, and joint sponsors (community members, religious congregants, family friends, etc.)
- **States and localities**
- **Providers and communities**
- **All of us**

SNAP Works

<p>SNAP DELIVERS ASSISTANCE quickly and effectively to people recovering from natural disasters or economic crises.</p>	<p>SNAP REACHES KEY VULNERABLE POPULATIONS — the large majority are children, seniors, and people with disabilities.</p>	<p>SNAP REDUCES HUNGER and food insecurity by providing low-income people necessary food money.</p>	<p>SNAP IMPROVES DIETARY INTAKE and health, especially among children and with lasting effects.</p>
<p>SNAP IS EFFICIENT, using electronic benefits technology and regular channels of commerce.</p>	<p>SNAP SUPPORTS WORK, helping families struggling with low wages.</p>	<p>SNAP BOLSTERS LOCAL ECONOMIES by increasing money spent for food at local retailers.</p>	<p>SNAP LIFTS MILLIONS OF PEOPLE out of poverty.</p>



State Perspective: Maryland



Maryland Hunger Solutions

Ending hunger and promoting well-being

Q & A



What's going on in your area?

Mitigating Harm in Your Area

- Stay informed
- Connect with trusted messengers
- Help ensure the information distributed is accurate
- Share stories with FRAC

Resources

- **Protecting Immigrant Families Campaign Resources:**
<https://protectingimmigrantfamilies.org/>
- **FRAC Resources:** <http://bit.ly/FRACpubliccharge>



FRAC.org



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MDHungerSolutions.org

Alexandra Ashbrook | aashbrook@frac.org

Michael J. Wilson | mjwilson@mdhungersolutions.org

Susan Beaudoin | sbeaudoin@frac.org

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