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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

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

Dear Sir/Madam:

I am writing on behalf of the Montana Budget & Policy Center to express our strong opposition to the Department of Homeland Security's Notice of Proposed Rulemaking (NPRM) on inadmissibility on public charge grounds.

The Montana Budget & Policy Center is a nonpartisan, nonprofit organization that provides in-depth research and analysis on tax, budget, and economic policies in order to promote opportunity and fairness for all Montanans.

The proposed rule represents a radical shift in immigration policy that would sow more fear in immigrant communities and lead many immigrants who are in the United States *legally* to forgo health coverage, nutrition assistance, and housing assistance that their families are eligible for and need. These programs represent critical assistance for families in Montana, including thousands of immigrant families legally eligible to access services.

The proposed rule would significantly change the “public charge” test with harmful consequences for young children and their parents in Montana. Under the proposal, the Department would consider an applicant's use of benefits beyond the existing standards that would likely lead individuals, including parents of US citizen children, to withdraw or disenroll from benefit programs that support their health, wellbeing, and financial security. The proposal would also add specific standards for income, health, English language proficiency, and other factors making it even harder for low-income immigrant parents to obtain long-term stability for their families. For example, the proposed rules are more stringent on families with incomes below 125 percent of the federal poverty line. In Montana, nearly one in five Montana families are living below 125% FPL. These proposed rules could disproportionately impact the roughly 4,300 immigrant families living on lower incomes.ⁱ

While the proposed rule considers the use of benefits by an individual, and not their dependents, there is little chance this rule would not impact the access of benefits by children, including US citizen children. This has happened previously. In the 1990s, confusion and fear around public charge rules discouraged immigrant families with children from applying for benefits. For example, in 1999, just 40 percent of eligible citizen

children living in households with immigrants participated in SNAP, compared to 70 percent of all eligible children.ⁱⁱ Lack of access to support that can negatively impact parents' own wellbeing can also have a direct impact on children's health and success.ⁱⁱⁱ Children do better when their parents are healthy and economically stable. The destabilizing effect of this rule would harm parents who lose access to benefits and their children who will be directly impacted.

The widespread "chilling effect" that results in families withdrawing from benefits regardless of whether the proposed rule would apply is already evident. Service providers across Montana are hearing from families concerned about whether to continue to access critical health and nutritional assistance. Across the country, health and nutrition service providers have seen an increase in canceled appointments and requests to disenroll from means-tested programs.^{iv}

Programs such as Medicaid and SNAP are critical programs to ensuring young children in Montana stay healthy and can thrive. Today, Medicaid, along with Children's Health Insurance Program, provides critical health care coverage to one in three children in Montana and covers nearly half of all births in the state.^v Over 112,000 Montanans access critical nutrition assistance through SNAP, and over 45,000 Montana children reside in homes facing food insecurity.^{vi} Decades of research show the positive impact of public benefits—such as Medicaid, and SNAP—on children's long-term health and their economic security.^{vii} For example, in 2016 alone, SNAP lifted 3.6 million people out of poverty and provided many more with temporary assistance between jobs and in crisis.^{viii} When children get access to these programs, they are both healthier and their families have more money in their budgets to spend on other basic needs. Poverty impacts everyone, costing our economy billions of dollars annually and weakening the middle class and civic engagement. Each year, child poverty alone costs the US \$500 billion.^{ix} This hamstring the potential of millions of families and threatens our shared prosperity.

We strongly oppose the proposed rule and request that it be withdrawn in its entirety. The proposal to expand the public programs to be considered in a public charge test is deeply misguided; in response to the questions posed to the public, no additional programs should be considered in the public charge determination as that would only increase harm to children, families, and communities.

Thank you for your time and consideration on this matter.

Sincerely,

Heather K. O'Loughlin
Co-Director
Montana Budget and Policy Center

ⁱ 2012-2016 5-Year American Community Survey Public Use Microdata Sample (ACS/PUMS). Custom Tabulation by Manatt Health. September 30, 2018. <https://www.manatt.com/insights/articles/2018/public-charge-rule-potentially-chilled-population>.

ⁱⁱ Sharon Parrott, Gonzales, S., and Schott, L. "Trump 'Public Charge' Rule Would Prove Particularly Harsh for Pregnant Women and Children." Center on Budget and Policy Priorities. May 1, 2018. <https://www.cbpp.org/research/poverty-and-inequality/trump-public-charge-rule-would-prove-particularly-harsh-for-pregnant>.

ⁱⁱⁱ National Scientific Council on the Developing Child. "Young Children Develop in an Environment of Relationships: Working Paper No. 1." 2009. <http://developingchild.harvard.edu/wp-content/uploads/2004/04/Young-Children-Develop-in-an-Environment-of-Relationships.pdf>.

^{iv} Jennifer Laird, et al. "Foregoing 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. April 5, 2018. https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5af1a2b28a922db742154bbe/1525785266892/Poverty+and+Social+Policy+Brief_2_2.pdf.

^v Montana Budget and Policy Center. "Montana Families Rely on the Children's Health Insurance Program." October 2017. <http://montanabudget.org/report/montana-families-rely-on-the-childrens-health-insurance-program>.

^{vi} Montana Food Bank Network. "SNAP Builds Strong Communities, Healthy Families." 2018.

^{vii} Maya Rossin-Slater. "Promoting Health in Early Childhood." Future of Children. 2015. Hilary Hoynes, et. al. "Long-Run Impacts of Childhood Access to the Safety Net." American Economic Review. 2016. David Murphey. "Health Insurance Coverage Improves Child Well-Being" Urban Institute. 2017. <https://www.childtrends.org/publications/health-insurance-coverage-improves-child-well>.

^{viii} Fox, L. "The Supplemental Poverty Measure: 2016." United States Department of Commerce, Economics and Statistics Administration, United States Census Bureau. Revised September 2017, p. 10.

<https://www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf>.

^{ix} PolicyLink. "National Equity Atlas: Indicators – Poverty, Montana." 2018.

[http://nationalequityatlas.org/indicators/Poverty/By_nativity:40251/Montana/false/Poverty_Level:100/Year\(s\):2015/](http://nationalequityatlas.org/indicators/Poverty/By_nativity:40251/Montana/false/Poverty_Level:100/Year(s):2015/). Accessed December 5, 2018.