



The Hunger Impact of the Proposed Public Charge Rule

NOTE: This update is based on an analysis of the [proposed public charge rule](#) that was posted on the Department of Homeland Security's website. The rule could change before publication in the Federal Register.

Background

On Saturday, September 22, 2018, The Trump Administration announced a [proposed public charge rule](#) that would greatly undercut efforts to address food insecurity and poverty by making it harder for immigrant families to access a range of nutrition, health, and housing benefits that are essential to our nation's health and well-being.

The proposed rule expansively — and unnecessarily — redefines what being a “public charge” means, fundamentally changing who would be able to enter and stay in the United States. The deeply flawed rule unravels decades of sound and settled public policy that draws a clear line between which public benefits may be used without causing public charge consequences, and which ones may not. If adopted, this rule would make immigrant families afraid to seek programs that safeguard their health, nutrition, housing, and economic security.

FRAC serves on the Steering Committee as the nutrition lead of the Protecting Immigrant Families Campaign, which is mobilizing a nationwide resistance effort to reject this attack on the nation's health and well-being.

What Benefits are Considered in a Public Charge Determination?

The proposed rule radically expands the list of programs that may be considered in a public charge determination to include not only cash programs (SSI and TANF) and publicly funded long-term care, but also the following health, nutrition, and housing programs:

- Medicaid (with limited exceptions for Medicaid benefits for treating an “emergency medical condition,” certain disability services related to education,

and benefits received by children of U.S. citizens who will be automatically eligible to become citizens);

- Supplemental Nutrition Assistance Program (SNAP);
- Medicare Part D Low-Income Subsidy; and
- Housing assistance, such as public housing or Section 8 housing vouchers, and rental assistance.

SNAP is the only nutrition program listed. WIC is not listed.

Disaster relief, emergency medical assistance, benefits received by an immigrant's family members, or solely state, local, or tribal programs other than those specifically listed will not be considered in a public charge determination. Benefits not listed, such as education, child development, and employment and job training programs, are also excluded. The Department of Homeland Security asks for input on inclusion of the Children's Health Insurance Program (CHIP).

How Would the Rule Fuel Poverty, Hunger, and Food Insecurity?

If adopted, the rule could cause the following harmful results:

- 1) Spur immigrants who are legally authorized to participate in SNAP and other programs, including Medicaid, Medicare Part D, and housing assistance, to forgo assistance or disenroll, jeopardizing their food security, health, well-being, and economic security.**

Pursuant to the Department of Homeland Security's own admission on page 370 of the proposed rule: "Disenrollment or forgoing enrollment in a public benefits program by aliens otherwise eligible for these programs 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 health care 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."

Reports from anti-hunger advocates and media stories from across the country have highlighted that just the threat of the rule has resulted in the disenrollment of eligible individuals from SNAP, or the forgoing of other assistance.

In the proposed rule, the Department of Homeland Security 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 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.

The Department of Homeland Security's (DHS) Estimated Impacts of the Proposed Public Charge Rule on SNAP	
Estimated number of SNAP recipients who are members of households that include foreign-born non-citizens	5,182,508
Estimated population likely to disenroll from or forgo enrollment in SNAP, based on DHS's 2.5 percent rate of disenrollment or forgone enrollment*	129,563
Estimated reduction in SNAP-transfer payments, based on a 2.5 percent rate of disenrollment or forgone enrollment	\$197,919,143

* DHS estimated the number of individuals who are likely to disenroll or forgo enrollment in public benefit programs at 2.5 percent. This was based on the average number of immigrants who adjusted their status annually from 2012–2016 in the U.S. when compared to the number of foreign-born non-citizens among the national population.

This loss of access would roll back progress in addressing hunger and poverty in this country. A growing body of research extols the virtues of SNAP participation as a crucial source of support for nutrition, and just as importantly, health, learning, and economic security. In 2017, according to the Census Bureau's Supplemental Poverty Measure, SNAP lifted 3.4 million people out of poverty.

For more information on SNAP's benefits, refer to [*The Role of the Supplemental Nutrition Assistance Program in Improving Health and Well-Being*](#).

2) Shift costs to states, localities, and charitable and nonprofit sectors that would not be able to meet resulting community needs.

State and local governments will face costs associated with the harms to health, food security, economic security, education and well-being of families impacted by this proposed rule.

In the wake of eliminating SNAP eligibility for many legal immigrants after the 1996 welfare law change, several states invested state dollars to meet part of the resulting need for food assistance. Those stop-gap measures proved to be neither comprehensive nor sustainable in the long run. States and localities should not have to bear the costs of federal withdrawal of assistance to people who depend on safety net and public benefit programs to live.

Likewise, the charitable network would incur costs in responding to the increased need, even as it struggles to meet existing need. Across the country, these networks — food banks, pantries, religious congregations, and other emergency food providers — are already overwhelmed, unable to serve all the people who require assistance. Feeding America, a nationwide network of more than 200 food banks, estimates that for every 12 meals SNAP provides, its network provides one.

3) Generate confusion among immigrant families, government agencies, schools, social service providers, charitable networks, and advocates as to whether families could receive benefits without putting their or a loved one's immigration status at risk.

Immigrants will struggle with how to make sense of this complex rule and how it could jeopardize the immigration status of oneself or a family member. Likewise, service providers — including government agencies, schools, medical providers, safety net hospitals, faith-based organizations, and charitable organizations — that work with immigrant families or administer SNAP and other public benefit programs will be at a loss as to how to interpret the new Draconian rule and advise immigrant families.

Compounding the rule's harm, many families may forgo assistance from programs *that they can participate in without fear of immigration consequences* because of the climate of fear or faulty advice given out of an abundance of caution.

4) Create upstream and downstream harms to state and local economies, large and small businesses, and individuals.

In the announced rule, the Department of Homeland Security notes how the rule “could have downstream and upstream impacts on state and local economies, large and small businesses, and individuals” including “retailers participating in SNAP, [and] agricultural producers who grow foods that are eligible for purchase using SNAP benefits” (pp.365–366).

The U.S. Department of Agriculture estimates that every \$5 in new SNAP benefits generates \$9 in economic activity. When needy individuals forgo SNAP assistance, states are stripped of millions of dollars in federal funding that could pay for food to nourish infants, students, seniors, veterans, and working families, and could create jobs in food retail, transportation, and agricultural sectors.

What is the Status of the Rule?

Once the proposed “public charge” rule is published in the Federal Register, the public will have 60 days to submit comments on [regulations.gov](https://www.regulations.gov). These comments can help slow down the process and shape the Agency’s decisions. By law, the Trump Administration is required to review and consider all comments submitted before issuing a final rule. This review process could take months – or even longer. Once a final rule is published, the rule will not become effective for at least 60 days. The proposed rule makes it clear that changes will apply only to benefits received after the rule is effective.

How Should We Talk About Public Charge With Immigrant Families in Need of Nutrition Assistance?

There is no easy answer as to how to temper the fears of immigrant families stemming from this proposed rule. *It is important not to create more fear and confusion among immigrant families.* Let families know that they are not alone and that a long process must unfold *before* the rule becomes law. For now, the public charge policy for public charge determinations in the U.S. *has not changed.*

The Protecting Immigrant Families Campaign’s [*How to Talk with Immigrant Families About Public Charge*](#) explains how the public charge determination includes a balance of negative and positive factors, and offers a forward-looking approach for messaging when engaging with immigrant communities.

How Can We Take Action?

The Food Research & Action Center is the nutrition lead for the Protecting Immigrant Families Campaign. We are mobilizing advocates and organizations across multiple sectors to join us in fighting back against the rule. We have developed an online platform from which comments opposing the rule can be submitted once the proposed rule is published. We encourage you to share FRAC's forthcoming model comments and our platform with your networks in order to get the greatest possible number of comments.

For more information, resources, and ways to get involved,

- visit ProtectingImmigrantFamilies.org; and
- contact Alexandra Ashbrook, FRAC's Director of Special Projects and Initiatives (aashbrook@frac.org).