



Testimony of

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Presented to the

New York City Council

Joint Hearing: Committee on Health, Committee on Immigration, Committee on General
Welfare

Oversight: The Impact of the Proposed “Public Charge” Rule on NYC

*Res 0608-2018: Authorizing the Speaker to submit a public comment on behalf of the Council to
the Federal Register, concerning the proposed change to the Public Charge Rule*

*Res 0609-2018: Opposing the newly proposed public charge rule and urging the federal
government not to move forward with its adoption*

November 15, 2018

Good afternoon. My name is Alice Bufkin and I am the Director of Policy for Child and Adolescent Health at Citizens' Committee for Children of New York, Inc. (CCC). CCC is an independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

We would like to thank Speaker Johnson, Chair Levine, Chair Menchaca, and Chair Levin, as well as all the members of the Health, Immigration, and General Welfare Committees, for holding today's hearing. We would also like to thank Speaker Johnson for authoring and Council Members Menchaca, Levin, Levine, Chin, Ayala, Constantinides, Lancman, Dromm, Richards, Cumbo, Lander, Eugene, Yeger, Treyger, Grodenchik, Cabrera, and Rosenthal for sponsoring Resolution 0609-2018 opposing the public charge rule. We also appreciate Speaker Johnson authoring Resolution 0608-2018, which would authorize the Speaker to submit a public comment on behalf of the Council to oppose this rule.

Finally, we would like to thank the Mayor's Office for Immigrant Affairs, the Mayor's Office for Economic Opportunity, and the Department of Social Services for their work to combat the impacts of the public charge proposal.

The proposed change to the public charge rule is one of a series of cruel, deeply harmful policies from the Trump Administration that target immigrant communities. This administration has been prolific in its promotion of anti-immigrant policies, ranging from policies to separate migrant children from their parents at the border, extend detention of migrant children indefinitely, limit the number of refugees our country accepts, and make it harder for victims of domestic and gang violence to seek asylum.

The proposed changes to the public charge rule would have devastating impacts on the health and wellbeing of children and families in New York, forcing families to choose between meeting basic needs for their families, or jeopardizing their immigration status. If this rule were finalized, it would mean more children experiencing homelessness, food insecurity, poor health, and poverty. The changes in these rules will hurt parents' ability to meet basic needs for their families, and the repercussions on children's health and development will be serious and long-lasting.

New York is a city of immigrants, and our local leaders have shown their commitment to making this a safe place for all children and families to grow and prosper. We appreciate this opportunity to work with stakeholders across the city to express opposition to this proposed rule and identify ways to mitigate its impact.

Proposed Changes to the Public Would Fundamentally Change Long-Standing Immigration Policy

The proposed public charge rule substantially expands the factors used to determine eligibility for a green card or lawful entry into the U.S. The rule significantly changes the definition of public charge by applying it to anyone who is likely to use certain cash, nutrition, health, and housing programs. It also negatively weights factors such as being a child or a senior, having a low income, and having certain health conditions. Some of the major changes to the proposed rule are below:

- The proposed rule substantially expands the types of public benefits are considered as part of public charge determination. As a result, many immigrant families can no longer seek these essential food, housing, health, and nutrition resources without fear that it will affect their immigration status. The newly-added benefits are the Supplemental Nutrition Assistance Program (SNAP), Medicaid, Medicare subsidies for prescription drugs, and housing assistance (including rental assistance and Section 8 vouchers).
- The rule creates new barriers for low and moderate income immigrants, and favors those with higher incomes. The only heavily weighted positive factor for applicants is having an income or resources above 250% of the Federal Poverty Level (FPL). Incomes below 250% FPL, and particularly those below 125% FPL, count against applicants. The only way for a family to reverse a public charge determination is to pay a cash bail of \$10,000, an option far out of reach for most families.
- The proposed rule asks for public input on whether past or current use of the Children’s Health Insurance Program (CHIP) should also be included as part of public charge determinations. The federal government’s consideration of CHIP is deeply concerning – including CHIP in the public charge rule would drive many parents to disenroll their children from this critical program.
- The proposed rule adds new factors that might harm an individual’s immigration prospects, including being a child or a senior, having limited English proficiency or less than a high school degree, having a large family, or having a major illness or disability.

The proposed rule would have a widespread impact on New York children and families

If this rule is finalized, the harm to children would be substantial and long-lasting. Many parents will be forced to choose between declining essential food, medical, and housing supports for their families, or jeopardizing their path to legal immigration or their ability to be reunited with family members.

The proposed rule does not directly impact all immigrant populations. Certain immigrants – including refugees, asylum-seekers, and human trafficking survivors – are excluded. The rule also has no direct impact on those applying for citizenship. However, widespread evidence has shown that confusion and fear around this rule will lead many immigrant families to forego services, even if they are not directly referenced in the rules.

After the proposal was released, the state’s immigration hotline experienced spikes from immigrants concerned that accepting SNAP and other public benefits would hurt their immigration status. Many callers would not have been directly impacted by the rules, but were still concerned about its effects. Other callers were afraid to continue accessing even those services not referenced in the proposed rules, such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Reports throughout the city indicate widespread confusion regarding who would

be impacted by the rules, leading many immigrants to disenroll from services even though the rule has not yet been finalized.¹

The impact of this fear and confusion has already been felt in New York City. Public Health Solutions, which provides an array of health and social services to vulnerable communities throughout New York, has recorded a drop in enrollment in WIC nearly every time the Trump administration has threatened the legal status of immigrants due to their use of public benefits. These losses have continued with each version of the public charge proposal that was leaked. These concerns are not unique: health providers throughout the city have reported declines in program enrollment out of fears and concerns related to the public charge rule.² Throughout the country, regions with high immigrant populations are experiencing canceled appointments and requests for disenrollment.³

This “chilling effect,” causing immigrants to fear using public benefits even if they are not directly impacted by the rule, will have widespread consequences for children and families in New York. The Fiscal Policy Institute (FPI) estimates that 2.1 million people in New York State will feel a chilling effect and be nervous or confused about whether they should apply for benefits if they qualify for them. 680,000 children live in a household with at least one non-citizen immigrant, and where someone in that family has received one of the public benefits named in the public charge rule.⁴ These children are likely to experience the chilling effect, and be particularly vulnerable to losing access to essential benefits if they or a household member disenroll from services.

In New York City, 54% (almost one million) children have at least one foreign-born parent, and one million NYC residents live in mixed-status households with at least one undocumented member.⁵ The Mayor’s office has estimated that up to 75,000 immigrant New Yorkers would face a choice between accessing benefits to which they are legally entitled, and possible future adverse immigration consequences. The rule would also result in up to 400,000 immigrant New Yorkers who are not currently eligible to receive benefits, but would face possible future adverse immigration consequences because of their age, health, education and employment history, income and assets, or other factors. Hundreds of thousands of New Yorkers would withdraw from or forgo

¹ Jorgensen, Jillian. “Calls to immigration hotline about benefits increase after President Trump’s ‘public charge’ proposal published.” *New York Daily News*. October 26, 2018. <http://www.nydailynews.com/news/politics/ny-pol-immigration-hotline-public-charge-20181026-story.html>

² De La Hoz, Felipe. “Enrollment in benefits drop in response to Trump rules, data shows.” *Documented*. September 23, 2018. <https://documentedny.com/2018/09/23/new-trump-rules-may-force-immigrants-to-drop-legal-benefits-like-food-assistance/>; Baumgaertner, Emily. “Spooked by Trump proposal, immigrants abandon public nutrition services.” *The New York Times*. March 6, 2018. <https://www.nytimes.com/2018/03/06/us/politics/trump-immigrants-public-nutrition-services.html>

³ Baumgaertner, Emily. “Spooked by Trump proposal, immigrants abandon public nutrition services.” *The New York Times*. March 6, 2018. <https://www.nytimes.com/2018/03/06/us/politics/trump-immigrants-public-nutrition-services.html>

⁴ “‘Only Wealthy Immigrants Need Apply’: How a Trump Rules’ Chilling Effect Wil Harm New York.” Fiscal Policy Institute. October 10, 2018. <http://fiscalspolicy.org/wp-content/uploads/2018/10/NY-Impact-of-Public-Charge.pdf>

⁵ U.S. Census Bureau, American Community Survey 1-Year Estimates, 2016 and 2017.; NYC Mayor’s Office of Immigrant Affairs. “State of Our Immigrant City: Annual Report.” March 2018.

public benefits out of fear and confusion about the potential impact of the proposal on their immigration status.⁶

The proposed rule will have long-term repercussions for children

The health and wellbeing of parents is inextricably linked to that of children. Decades of research show how critical Medicaid, SNAP, and other public benefits are to children's long-term health and economic security.⁷ If implemented, this rule will deeply limit the housing, nutrition, health, and economic resources available to families in New York.

The effects of this proposed rule are already being felt, and will be even harsher if the rule is implemented. Parents who are afraid to access health services will face greater likelihood of untreated illness, and both the long-term health and financial repercussions this will have for their families. Many parents may choose to avoid or disenroll their children from health programs that are essential to children's healthy growth and development.

Pregnant women may choose to forego critical prenatal and preventive health services out of fear that doing so will jeopardize their immigration status. Even though it is not included in the proposed rule, reports have already shown that pregnant women and new moms may avoid enrolling in WIC, an important program that improves the health and nutritional wellbeing of pregnant women and young children by providing services including nutritious food, nutrition counseling, breastfeeding support, health education, and referrals.

The stress of anti-immigrant policies alone can have serious physical and mental health implications. A recent study supported by the NYC Department of Health and Mental Hygiene analyzed trends in New York City births since the election of President Trump, and found that rates of preterm birth increased in the period after the inauguration. The increase was particularly high among Hispanic women. The authors suggest that acute increases in severe stressors, including sociopolitical stressors and hate crimes tied to the election, may contribute to increased rates of prematurity.⁸ Federal policies like the proposed public charge rule, particularly those that target access to social services, will only exacerbate these deeply troubling trends in health outcomes.

Children of immigrants are already at higher risk for food insecurity than non-immigrant children, and more children will see their household's nutritional resources drop as a result of this rule. When one member of a household loses access to basic medical, food, or housing supports, the

⁶ Office of the Mayor of New York City. "Mayor Announces Up to 475,000 Immigrant New Yorkers Could be Harmed by Trump's 'Public Charge' Proposal." October 11, 2018. [https://www1.nyc.gov/office-of-the-mayor/news/507-18/mayor-up-475-000-immigrant-new-yorkers-could-be-harmed-trump-s-public-charge-](https://www1.nyc.gov/office-of-the-mayor/news/507-18/mayor-up-475-000-immigrant-new-yorkers-could-be-harmed-trump-s-public-charge)

⁷ Murphey, David. "Health Insurance Coverage Improves Child Well-Being." Urban Institute. 2017.; Schazzenbach, Douglas Almond. "Long-Run Impacts of Childhood Access to the Safety Net." *American Economic Review*: 106. 2016.

⁸ Krieger, Nancy et al. "Severe Sociopolitical Stressors and Preterm Births in New York City: 1 September 2015 to 31 August 2017." *Epidemiology & Community Health: Volume 72, Issue 12*. 2018. <https://jech.bmj.com/content/72/12/1147>

entire household suffers. Many low-income families rely on SNAP to help them meet nutritional needs of the whole family. As a result of this rule, many parents or household members will choose to decline the SNAP benefits they qualify for, reducing the available resources for the entire families.

Food insecurity can have serious cognitive, emotional, and physical repercussions for children, and can substantially impact their ability to thrive at home and in school. During their most formative period, many New York children may find themselves without health care or adequate nutritional support as a result of this rule.

We also know this rule will only increase housing instability in a city where one in ten students are homeless.⁹ Children and families comprise nearly 70% of the City's Department of Homeless Services shelter system.¹⁰ The public charge rule would deprive numerous immigrant families of critical housing assistance, exacerbating the homelessness crisis and increasing life-long risks to the physical and emotional wellbeing and educational success of children.

This rule threatens access to the types of programs that help struggling families and communities thrive, and help make sure kids can grow up in healthy and secure environments. The impact on the health and economic wellbeing of New York's immigrant families is hard to overstate.

Recommendations

The public charge rule creates barriers to legal immigration, using threats to immigration status to deter immigrants from seeking life-saving health, nutrition, and social supports they and their families are eligible for. It is critically important that the Trump Administration hear from as many stakeholders as possible opposing this rule. For this reason, we are grateful that the City Council has demonstrated its opposition to the rule, and its intention to identify ways to mitigate its impact.

We strongly support Resolution 0609-2018, opposing the public charge rule and urging the federal government not to move forward with its adoption. We also support Resolution 0608-2018, which would authorize the Speaker to submit a public comment on behalf of the Council expressing opposition.

We appreciate the work that the City Council, the Mayor's Office of Immigrant Affairs, and DSS have already done to address the potential impacts of this rule change. We believe there are additional steps the city can take to help combat the negative repercussions of this proposed rule:

- **Support programs that serve as alternatives to federally-funded housing, health, and nutritional programs.**

⁹ Chapman, Ben. "New Record for Number of Homeless Students in NYC." *New York Daily News*. October 15, 2018. <http://www.nydailynews.com/new-york/education/ny-metro-nyc-sees-record-homeless-students-20181015-story.html>

¹⁰ New York City Department of Homeless Services Data Dashboard. December 2015. <https://www1.nyc.gov/site/dhs/about/stats-and-reports.page>

Though the rules have not yet been finalized, it is clear that many immigrants view it as unsafe to access public health programs that might one day jeopardize their immigration status. New York can combat this – and help prevent some of the serious harm to children and families who forego critical social services – by supporting city-funded programs that provide crucial health, housing, and nutritional support.

One example of this is ActionHealthNYC, a pilot program that was privately funded and active for one year between 2015 and 2016. This program offered low-cost, coordinated healthcare to nearly 1,300 immigrant New Yorkers who were not eligible for Medicaid or the state’s insurance exchange. A report for the American Institutes of Research found the program helped significantly improve access and care coordination services. Though the program ended in 2016, it offers an important model for how the city can find innovative ways to ensure immigrant New Yorkers do not lose access to critical health and social services.

The city can also look to universal programs that offer services regardless of immigration status. New York’s universal school lunch program is an important example, providing free lunch to all students regardless of their income or immigration status. However, more work remains to publicize universal school lunch and ensure that there is widespread and effective communication informing all students and parents to its availability.

New York can take the lead in combatting this rule, both by increasing support for and promotion of existing programs that serve immigrant communities, and by looking to new opportunities to combat the impacts of increased food insecurity, housing instability, and loss of healthcare.

- **Increase support, training, and legal service connections for public benefit navigators and administrators.**

CCC appreciates the education and training efforts already underway within the Human Resources Administration. We also strongly appreciate the increased funding the City Council appropriated for Access Health NYC in the FY 2019 budget. HRA and community health navigators will be particularly important moving forward, as immigrant New Yorkers look to trusted community resources to determine what services are available to them and their families.

A key component of this success is ensuring that the workforce has adequate training around the public charge, and has the resources they need to refer and connect clients to free legal care. Any efforts the city can make to strengthen linkages between health and social service providers and legal services will help mitigate the impact of this rule. New Yorkers speak hundreds of languages, so strengthening cultural and linguistic competency are important pieces of making sure the city is able to reach all New Yorkers in need of services and legal advice.

- **Increase support for city-wide legal services.**

The city has already demonstrated its support for ActionNYC, which connects New Yorkers to free, safe immigration legal help. Supporting legal service hotlines and other sources of legal services is

more important than ever. The city can provide additional support by ensuring that these services are available in an even wider array of languages than are currently available.

Conclusion

CCC is incredibly grateful to the City Council for this opportunity to discuss this critical issue. We look forward to working with the City Council, the Mayor's Office for Immigrant Affairs, the Department of Social Services and the Administration to promote the health and wellbeing of New York children and families.

Thank you for your time and consideration today.