

December 4, 2018

Submitted via www.regulations.gov

U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

RE: Comments on Proposed Regulation – Inadmissibility on Public Charge Grounds (DHS Docket No. USCIS-2010-0012)

Dear Sir or Madam:

I am writing on behalf of the East Bay Community Foundation (EBCF) to express our strong opposition to the Department of Homeland Security's Notice of Proposed Rulemaking ("proposed rule") on "public charge," published in the Federal Register on October 10, 2018.

The East Bay Community Foundation is a philanthropic institution located in Oakland, California and committed to the development of a just East Bay, where all members of our community are treated fairly, with equitable opportunities and outcomes. We partner with communities to champion quality education for all students, fight for good jobs, and to amplify the voices that often go unheard.

It is a widely held belief that the challenges facing communities are too large to be solved by the resources of any single player or sector, acting alone. When we combine resources however, we can make the kind of meaningful progress that we all believe is possible. EBCF partners with other foundations, government agencies, and corporations whose vision, values, and mission are aligned to help create a just East Bay -- one where all communities have supports in place, not only to survive, but to thrive. In that spirit, and as reflected across our partnerships, EBCF invests in community leaders, organizations, and movements to create social, political, and economic opportunity for all. From donor-backed investments in nonprofit organizations to advocating and engaging in civic and social matters affecting regional policies, the Foundation is committed to ensuring that the East Bay is a region that is inclusive, fair, and just, for everyone.

EBCF opposes this proposed regulation that would dramatically alter our nation's longstanding commitment to welcoming immigrants. This proposal represents a radical change to the "public charge" rule that would prevent immigrants who utilize government health, nutrition, housing, and other assistance from obtaining green cards or sponsoring family members to join them in the United States. It is

an attack on family-based immigration that undermines immigrants' ability to reunite with loved ones and violates America's highest aspiration as a land of opportunity for all, rich or poor -- all the while, promoting the toxic myth of immigrants as a public drain.

Specifically, this new rule proposal threatens to harm the health and well-being of countless East Bay immigrant families and will have a widespread effect on those seeking vital assistance for which they or their family members qualify -- from prenatal support to cancer treatments. Both immigrant children and U.S. born children of immigrants will suffer as their families forgo much needed assistance for which they are eligible -- either out of fear or misinformation.

As of 2016, California is home to more than 10 million immigrants (3 million of which are undocumented)¹, which constitutes about a quarter of the foreign-born population nationwide.² In similar terms, 27% of California's approximately 40 million residents are foreign-born.³ The foreign-born population includes naturalized U.S. citizens, lawful permanent immigrants (or green-card holders), refugees and asylees, certain legal nonimmigrants (including those on student, work, or some other temporary visas), and persons residing in the country without authorization.⁴ As of 2016, 51% of children between the ages of 6 and 17 in California resided with at least one foreign born parent.⁵ Alameda and Contra Costa, with 105,000 and 65,000 residents respectively, rank among the counties with the largest unauthorized immigrant populations in our state as well as nationally.⁶ The high percentage of immigrants represented in our state population is likewise reflected in our East Bay counties; almost a quarter of Contra Costa County residents are for foreign born and almost half of children live with at least one parent not born in the U.S.⁷ While the harms flowing from this proposed rule will affect the entire nation, we expect the local impact in the East Bay to be particularly acute given our diverse population.

The proposed regulation perpetuates an erroneous myth of immigrants' overreliance on public benefits when in fact the data reveals that immigrants consistently underutilize public benefits and services out of fear that doing so will affect their future ability to become lawful permanent residents.⁸ Even those who are legally entitled to assistance due to immigration status (e.g., asylees and refugees) are often reluctant to access benefits. Children with foreign-born

¹ <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/CA>

² <http://www.ppic.org/publication/immigrants-in-california/>

³ *Id.* See also: <https://www.migrationpolicy.org/data/state-profiles/state/demographics/CA>

⁴ <https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles>

⁵ <https://www.migrationpolicy.org/data/state-profiles/state/demographics/CA>

⁶ <https://www.migrationpolicy.org/sites/default/files/datahub/State-County-Unauthorized-Estimates.xlsx>

⁷ https://ehsd.org/wp-content/uploads/2018/10/Impact-Brief_Proposed-Public-Charge-Rule-Changes_October2018.pdf

⁸ *Id.*

parents are less likely to receive Medicaid and SNAP than their counterparts with U.S. born parents.⁹ Ninety-five percent (95%) of Latino U.S. citizen children are not enrolled in Medicaid or CHIP despite being eligible.¹⁰ According to a 2018 report from Oakland's Department of Race and Equity, one of the East Bay's largest cities, almost half of Latino workers (46%) and 36% of Asian workers earn less than the living wage.¹¹ Even though 47% of undocumented immigrant families in Alameda County are living at or above the 200% poverty level¹², the rate of public benefit use is likely lower than the need. For example, only 23% of Latino Oaklanders and 11% of Asians live in households that receive SNAP benefits, which assist low-income individuals and families to afford food.¹³ The proposed regulation will only serve to exacerbate the underutilization of benefits by working families who need them to stay healthy and productive.

EBCF anticipates that these changes will have a "chilling effect" on immigrant families' already limited use of public benefits and services. A recent study of California Public Health Department staff aimed at evaluating immigrant client well-being in the current political climate, reveals a deep fear surrounding the use of public benefits.¹⁴ Fifty-six percent (56%) of Northern California public health department staff noted that since the 2016 election, clients have expressed fear, stress, and anxiety related to enrolling in public programs or services for which they are eligible.¹⁵ Therefore, even though this proposed rule is not yet final, we know that immigrants are already being harmed in as much as they are being diverted from critical, necessary services. The potential expansion of housing assistance as a negative factor in a public charge determination is likewise, particularly troubling for the East Bay where the cost of living is among the highest in the nation.¹⁶ Housing assistance is critical to maintaining community health, safety, and well-being. The Alameda County Social Services Agency has estimated the local economic impact to be somewhere between \$29 - \$59 million if the proposed changes to the public charge definition are implemented and county residents fail to enroll or disenroll from public benefits.¹⁷

⁹ *Id.*

¹⁰ See Georgetown University Health Policy Institute Center for Children and Families and National Council of La Raza, "Latino Children's Coverage Reaches Historic High, But Too Many Remain Uninsured", available at: https://ccf.georgetown.edu/wp-content/uploads/2016/12/LatinoChildren12_15.pdf

¹¹ See 2018 Oakland Equity Indicators Report, available at: <https://www.oaklandca.gov/documents/2018-oakland-equity-indicators-report>

¹² <https://www.migrationpolicy.org/data/ unauthorized-immigrant-population/county/6001>.

¹³ See 2018 Oakland Equity Indicators Report, available at: <https://www.oaklandca.gov/documents/2018-oakland-equity-indicators-report>

¹⁴ See Bay Area Regional Health Inequities Initiative and Public Health Alliance of Southern California, Rapid Response Survey: Health Impacts of Federal Immigration Policy, May 2017, available at: <http://barhii.org/wp-content/uploads/2017/05/BARHII-Rapid-Response-Survey.pdf>

¹⁵ *Id.*

¹⁶ <https://www.mercurynews.com/2018/06/14/nations-top-three-most-expensive-places-for-renters-all-in-bay-area/>

¹⁷ Alameda Social Services Agency, "Defining 'Public Charge' Inadmissibility for Immigration, Current Practice Versus Proposed Rule," November 8, 2018, available at:

In sum, this shortsighted proposed rule threatens to roll back decades of investments by philanthropic institutions like ours which have worked tirelessly to increase access to opportunities for immigrant families and thereby improve overall community health, well-being and financial stability. The proposed rule has already — and will continue to — put a tremendous strain on our local community partners such as food banks, social service agencies, and a myriad of other community centers. With local economic impacts estimated as high as almost \$60 million for Alameda County alone (if this proposed rule were to go into effect) the philanthropic sector will never be able to make up for this gap in vital services to our community.

Forcing parents to choose between their family's health and future opportunities to lawfully adjust their immigration status will have dramatic consequences for families currently suffering from hunger, poverty, and homelessness. Immigrant communities are a significant part of the East Bay and have long-contributed to the economic and cultural vibrancy of the region. As the community foundation serving the needs of the East Bay region, we are committed to protecting immigrant families and communities by strongly opposing this dangerous regulation.

Sincerely,

James W. Head
President and Chief Executive Officer
East Bay Community Foundation