



Communities Concerned for Immigrants & Refugees

A Network for Learning & Action

PROTECTING THE HEALTH OF IMMIGRANT FAMILIES

AUGUST 24, 2018 // RESOURCE PACKET



Supported by the REACH Healthcare Foundation

In partnership with Vibrant Health



AGENDA:

8:45 - 9:00 am

Breakfast and Networking

8:45 am

Welcome by
Randy Lopez
The Greater Kansas City
Hispanic Development Fund

8:50 am

Immigration Policy Update
Gabrielle Lessard

9:35 am

Local Impact Response
Alex Martinez

9:45 am

How can we help?
Led by Gabrielle Lessard,
Joey Hentzler, Alex Martinez

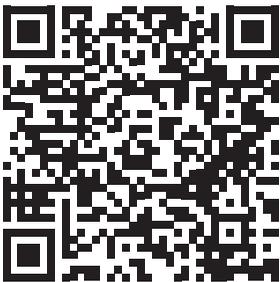
Panelist Discussion
moderated by
Andrea Perdomo-Morales
Vibrant Health

10:00 am

Questions and Answers

10:30 am

Closing Remarks
Carla Gibson
Reach Foundation



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and resource packet.

FEATURED SPEAKER:

Gabrielle Lessard

Senior Policy Attorney, The National Immigration Law Center

Gabrielle Lessard is a Senior Policy Attorney on the Access to Healthcare team at the National Immigration Law Center (NILC). NILC works nationally to defend and advance the rights and opportunities of low-income immigrants.

A public interest lawyer for over 20 years, Gabrielle served as NILC's first Health Policy Attorney from 2001-2005 and rejoined the organization in 2013. Gabrielle has also been the Legal Director of the Insight Center for Community Economic Development, a lecturer at UC Berkeley Law School and an independent attorney and consultant to tax-exempt organizations. She received a juris doctor degree, with honors, from the University of Wisconsin Law School.

PANELISTS:

Alex Martinez

Field Organizer - Safe & Welcome, The American Civil Liberties Union of Kansas

Alex Martinez joined the ACLU of Kansas in May of 2018 as the Safe and Welcome Field Organizer. Prior to the ACLU, Alex was a Community Health Worker (CHW) for the Kansas City University of Medicine and Biosciences where he provided direct services to underserved populations through their outreach program, Score 1 for Health. Alex Martinez received a Community Health Worker certificate from MCC Penn Valley in 2015. Alex is a graduate of the Dental Champions Fellowship from Oral Health Kansas Inc. where he now serves on the Board of Directors.

Alex is passionate about organizing; he is a DACA recipient and currently serves as the Director of the Kansas/Missouri Dream Alliance (KSMODA), a pro-immigrant group seeking equal opportunities for undocumented youth and their families. He is also an organizer for Brown Voices. Brown Pulse: a LGBTQ POC group working to create safe and hospitable spaces for queer folk of color in the Kansas City area.

Joey Hentzler

Director of Advocacy, Kansas Appleseed

Joey grew up in Shawnee County outside of Topeka, where there were more cattle than neighbors. His family has been in Topeka for generations, and his deep connection to his hometown informed his politics and galvanized his activism from an early age. In 2014, Joey worked in state-wide and local electoral politics. He graduated from the University of Kansas with Bachelor degrees in Political Science and Latin American & Caribbean Studies. While an undergraduate student, Joey worked in several non-partisan positions at KU's Dole Institute of Politics and the International Relations Council in Kansas City. Joey continued at KU in the Masters of Latin America & Caribbean Studies program. Joey is passionate about his home state and is ready to build power with any community across Kansas to achieve meaningful changes for poor and marginalized Kansans.

PUBLIC CHARGE: A NEW THREAT TO IMMIGRANT FAMILIES

Protecting Immigrant Families
Advancing our Future

WHAT IS PUBLIC CHARGE?

The “public charge” test has been part of federal immigration law for decades. It is designed to identify people who may depend on government benefits as their main source of support. If the government determines someone is likely to become a “public charge,” the government can deny admission to the U.S. or refuse an application for lawful permanent residency.

The White House is reviewing a proposal that would change longstanding “public charge” policy—forcing immigrant families to make an impossible choice between meeting basic needs and keeping their families together in this country.

PUBLIC CHARGE RULE WOULD HARM HEALTH, WELLBEING OF MILLIONS

If finalized, the proposal by the Trump Administration would fundamentally change who we are as a nation—transforming us from a country whose doors are open to people wanting to work hard and achieve a better life, to one only open to the highest bidder. It would also put the health and wellbeing of millions of children at great risk.

Many taxpaying immigrant parents have U.S. citizen children who are eligible for programs like health care and food assistance. Some are even eligible themselves. The proposal would make them afraid to access programs that support these essential needs. With about one in four children having at least one immigrant parent, this issue touches millions and is critical now and for our nation’s future.

HOW THE PUBLIC CHARGE RULE IS APPLIED TODAY

Under the current policy, the only benefits considered in determining who is likely to become a “public charge” are:

- Cash assistance such as **Supplemental Security Income (SSI)** and **Temporary Assistance for Needy Families (TANF)**.
- Government-funded institutional **long-term care**.

HOW PUBLIC CHARGE COULD CHANGE

If the proposed rule is finalized, immigration officials could consider whether individuals or any of their dependent family members—including U.S. citizen children—have received or simply sought access to government programs.

Benefits that could be considered in a “public charge” determination would include virtually any program targeted to low-income people or that helps participants meet basic needs, such as:

- **Earned Income Tax Credit (EITC)**.
- Non-emergency **Medicaid**.
- **Children’s Health Insurance Program (CHIP)**.
- Subsidies provided through the **Affordable Care Act**.
- **Supplemental Nutrition Assistance Program (SNAP)**.
- **Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)**.
- Housing assistance such as **Section 8** housing vouchers.
- **Low-Income Home Energy Assistance Program (LIHEAP)**.
- Comparable state and local programs.



IF YOU WORK WITH IMMIGRANT FAMILIES, HERE'S WHAT YOU NEED TO KNOW

1

The rules governing public charge determinations in the U.S. have not yet changed.

There may be no advantage to disenrolling from programs now. The leaked drafts of the rule makes it clear that any changes will apply only to benefits received after the rule is final. Even if the rules change, immigrants applying for admission or permanent residency will still be able to show why they are not likely to become a “public charge” in the future.

Some immigrant groups are not subject to “public charge.”

Some groups of immigrants—such as refugees, asylees, people fleeing domestic violence, and some other protected groups—are not subject to “public charge” determinations and **would not be affected by this proposed rule.** Public charge is also not a consideration when lawful permanent residents (green card holders) apply to become U.S. citizens.

2

WHAT YOU CAN DO

Once the proposed rule is published in the Federal Register, **the public will have an opportunity to submit comments** before it's finalized.

The Center for Law and Social Policy (CLASP) and National Immigration Law Center (NILC) are monitoring the threat to current immigration law and are leading a robust effort to collaborate with our partners across the nation.

We invite you to **join us in submitting comments to express opposition.** We urge you to encourage your networks to do the same.

For additional resources and information, and to connect with other advocates in this fight, please visit clasp.org/PIFresources.

Our opposition needs to be strong because the stakes are high. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services, and support they need to remain healthy and productive. **We must tell President Trump we will not stand by while he attempts to punish parents for feeding their kids or taking them to the doctor.**



UNA CARGA PÚBLICA: LA NUEVA AMENAZA A LAS FAMILIAS INMIGRANTES

Protecting Immigrant Families
Advancing our Future

¿QUÉ ES UNA CARGA PÚBLICA?

Durante décadas, la prueba de “carga pública” ha sido parte de la ley federal de inmigración. Esta regla federal está diseñada para identificar a personas que pudieran llegar a depender de los beneficios públicos como su fuente principal de ingresos. Si el gobierno federal determina que alguien pudiera convertirse en una carga pública, el gobierno federal puede negarle la entrada a los Estados Unidos o rechazar su solicitud de residencia legal permanente (la tarjeta verde).

La administración de presidente Trump está revisando una propuesta que cambiaría la política actual de carga pública — la cual forzaría a algunas familias de inmigrantes a tomar una decisión imposible entre cubrir sus necesidades básicas y mantener a su familia junta en este país.

LA REGLA DE CARGA PÚBLICA DAÑARÍA LA SALUD Y EL BIENESTAR DE MILLONES

La propuesta de la administración Trump, si se aprueba, cambiaría fundamentalmente quienes somos como nación. Nos transformaría de un país que abre sus puertas a la gente que quiera trabajar duro y conseguir una mejor vida a uno que solole abre las puertas al mejor postor. También pondría en riesgo la salud y el bienestar de millones de niños.

Muchos padres inmigrantes que pagan impuestos tienen hijos que son ciudadanos de los Estados Unidos. Al igual que cualquier ciudadano, estos niños califican para programas de asistencia pública, como cuidado de la salud y ayuda alimenticia. En algunos casos, los padres también califican para estos programas. La propuesta de la administración Trump dejaría a muchos padres con temor a recurrir a estos programas para cubrir estas necesidades básicas. Ya que uno de cada cuatro niños tiene al menos un padre inmigrante, este tema afecta a millones de personas y es fundamental para el futuro de nuestra nación.

¿CÓMO SE APLICA LA REGLA DE CARGA PÚBLICA HOY?

Bajo la política actual, los únicos beneficios que cuentan en determinar quién pudiera convertirse en una carga pública son:

- Ayuda en efectivo, como el programa de Seguridad de Ingreso Suplementario (**Supplemental Security Income, o SSI**) y el programa de Asistencia Temporal para Familias Necesitadas (**Temporary Assistance for Needy Families, o TANF**).
- Cuidado institucional a largo plazo financiado por el gobierno (**long-term care**).

¿CÓMO PODRÍA CAMBIAR LA POLÍTICA DE CARGA PÚBLICA?

Si la propuesta llegara a tomar efecto, los oficiales de inmigración podrán considerar si una persona o cualquier miembro dependiente de su familia — incluyendo a sus hijos ciudadanos de los Estados Unidos — ha recibido o simplemente solicitó acceso a programas de asistencia pública.

Los beneficios que podrían ser considerados en determinar si una persona es carga pública incluirían prácticamente cualquier programa designado para personas de bajos ingresos o que ayude a los participantes a cubrir sus necesidades básicas, por ejemplo:

- **Crédito Tributario por Ingreso del Trabajo (Earned Income Tax Credit, o EITC).**
- **Medicaid** para situaciones que no sean emergencias.
- **Programa de Seguro Médico para Niños (Children’s Health Insurance Program, o CHIP).**
- Subsidios ofrecidos a través de la Ley de Cuidado de Salud a Bajo Precio (**Affordable Care Act**).
- **Programa de Asistencia Suplementaria de Nutrición / cupones de alimentos (Supplemental Nutrition Assistance Program, o SNAP / Food Stamps).**
- **Programa de Asistencia de Nutrición Especial para Mujeres, Infantes y Niños (Special Supplemental Nutrition Program for Women, Infants, and Children, o WIC).**
- Asistencia de vales para vivienda como la **Sección 8**.
- **Programa de Asistencia para la Energía en Viviendas de Bajo Ingreso (Low-Income Home Energy Assistance Program, o LIHEAP).**
- Programas estatales y locales comparables.



SI USTED TRABAJA CON FAMILIAS DE INMIGRANTES, ESTO ES LO QUE USTED DEBE SABER

1

Las reglas federales que rigen la determinación de carga pública aún no han cambiado. De momento, no hay ninguna ventaja en que las familias inmigrantes dejen de acceder a esos programas.

Las versiones de la regla que se han divulgado a los medios de comunicación aclaran que cualquier cambio aplicará solamente a partir de que se apruebe la regla. Aún si la regla cambia, los inmigrantes que soliciten permiso para entrar a los Estados Unidos o que solicitan la residencia permanente tendrán la oportunidad de demostrar que no se convertirán en una carga pública en el futuro.

La determinación de carga pública no aplica a ciertos grupos de inmigrantes.

Para algunos grupos de inmigrantes —como los refugiados y asilados, las personas que huyen de violencia doméstica, y algunos otros grupos protegidos— no se hace una determinación de carga pública. **La regla propuesta no afectaría a estos grupos.** Tampoco se hace una determinación de carga pública cuando los residentes permanentes legales (los que tienen la tarjeta verde) solicitan convertirse en ciudadanos de los Estados Unidos.

2

¿QUÉ PUEDE HACER?

Una vez que la regla propuesta se publique en el Registro Federal, el público tendrá la oportunidad de hacer comentarios antes de que sea aprobada.

El Centro de Derecho y Política Social (Center for Law and Social Policy, o CLASP) y el Centro Nacional de Leyes Migratorias (National Immigration Law Center, o NILC) están monitoreando esta amenaza actual a la ley de inmigración. Las dos organizaciones encabezan una campaña, junto con decenas de organizaciones e individuos alrededor del país, para prevenir estos cambios. Los invitamos a que envíen sus propios comentarios en contra de la regla propuesta, y les pedimos que nos ayuden a alentar a sus contactos a hacer lo mismo. Para acceder a más información y recursos o ponerse en contacto con otros defensores en esta lucha, visite clasp.org/PIFresources.

Nuestra oposición tiene que ser fuerte porque hay mucho en juego. Si queremos que nuestras comunidades prosperen, cada miembro de la comunidad debe ser capaz de permanecer como parte de su comunidad y tener acceso a los servicios y ayuda que necesita para mantenerse sano y productivo. Debemos decirle al presidente Trump que no nos vamos a quedar de brazos cruzados mientras él pretende castigar a padres por darles de comer a sus hijos o llevarlos al doctor.



How to Talk About Public Charge with Immigrants and Their Families

This issue brief summarizes topline Protecting Immigrant Families Campaign messages and talking points recommended when communicating with immigrant communities.

Please use the core message, along with any or all the topline messages. The messages are followed by a more extensive set of talking points aligned with the topline messages.

Partners should also feel free to tailor any of the messages — including the specific wording of the core message — to suit their organization’s communications and community engagement strategy. For example, the talking points mention increased poverty and hunger as being among the probable consequences of the Trump administration’s proposed changes to public charge policy, but if your organization works on health issues, we encourage you to add “unmet health needs” or your organization’s preferred language concerning the problem.

This longer issue brief, which discusses public charge, is also available as a resource: www.nilc.org/exec-orders-and-access-to-public-programs/.

Topline messages

Core message

- You are not alone, and there’s still time to fight back.

Other topline messages

- The policy on public charge decisions made within the U.S. has not yet changed.
- The proposed rule is still a draft. Once it is posted, the federal agency must accept and respond to comments on it. It will not be implemented until after it becomes final, which will take additional time.
- Not all immigrants are subject to the public charge test.
- The test looks at all the person’s circumstances, weighing positive factors against any negative ones.
- If the proposed rule becomes final, noncash benefits (other than long-term care) used before that time will not be considered. Using benefits now can help you or your family members become healthier, stronger, and more employable in the future.
- Federal and state laws protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits.
- Get help deciding what’s best for your family and, if you can, consult with an immigration attorney or a Board of Immigration Appeals–accredited representative about your own situation.

Talking points

You are not alone. The Trump administration's draft public charge rule would force immigrant families to choose between the things they need and the people they love. The resulting spikes in poverty, hunger, and other social problems would affect millions, making this a threat to the whole country.

There's still time to fight back. People all over the country are standing up to Trump and fighting back against this abusive proposal to change the public charge policy. Leading voices for health, nutrition, economic opportunity, and social justice are united in opposing the proposed changes to public charge policy. They are sounding the alarm in news media, engaging policymakers, and rallying communities like yours to fight this abusive policy. Join us in sharing your story, submitting comments once the draft public charge rule is published, and letting your legislators know that you care about this issue!

The rules on public charge decisions made within the U.S. have not yet changed. While U.S. consulates abroad have started applying public charge tests more broadly, these changes apply only to individuals who are seeking to enter the U.S. from abroad or who must go abroad to process their applications. For green card applications processed by U.S. Citizenship and Immigration Services (USCIS) in the U.S., public charge rules have not changed.

The rule is still in draft form. It cannot be implemented until it becomes final, which will take additional time. The Trump administration has not actually proposed the rule yet. We have seen only incomplete drafts. If the administration publishes the rule, the law gives all of us a chance to speak out in opposition before the government finalizes the rule. Once comments about the rule are submitted, the review process can take months. In fact, some proposed rules are never finalized. If the rule is finalized, it may not take effect until several weeks or months after the final version is published.

Some immigrants are exempted by law from the public charge test. Exempt immigrants include: refugees; asylees; survivors of trafficking, domestic violence, or other serious crimes (T or U visa applicants/holders); VAWA self-petitioners; special immigrant juveniles; certain people paroled into the U.S.; and green card-holders applying for U.S. citizenship. Even if the draft regulation is finalized, these groups will not be subject to the public charge test.

The public charge test weighs positive factors against any negative ones. Immigration officials must look at all your circumstances in determining whether you are likely to become a public charge in the future. This includes your age, health, income, assets, resources, education/skills, family you must support, and family who will support you. They may also consider whether a sponsor has signed an affidavit of support (or contract) promising to support you. Positive factors can be weighed against any negative factors.

If the rule is finalized, you will have time to act before the rule goes into effect. Based on leaked draft proposals, benefits previously excluded from the public charge determination (such as Medicaid and SNAP, the Supplemental Nutrition Assistance Program)

will be considered only if those benefits are received 60 days after the final rule is published. Using benefits now can help you or your family members become healthier, stronger, and more employable in the future. Families need to make individual determinations based on their unique circumstances.

Federal and state laws protect the privacy of people who apply for or receive health care coverage or nutrition assistance, economic support, or help from other public programs. Applications for public programs should not request information about the immigration status of nonapplicants in the household. Benefit agencies may share information with other government agencies only for purposes of administering their programs, with limited exceptions. You can provide only the information necessary and should not misrepresent anything when completing public benefit applications or dealing with any government agency.

Get help deciding what's best for your family and, if you can, consult with an immigration attorney or BIA-accredited representative about your own situation. Advocates and health and social service providers all over the country have been monitoring the public charge rule. Many local leaders can help concerned families find free or low-cost immigration help. You can use this online directory to search for local nonprofit organizations that provide legal help and advice: <https://www.immigrationlawhelp.org/>.