



Policy solutions that work for low-income people

October 30, 2020

Submitted via www.regulations.gov

Mark Phillips
Residence and Naturalization Chief
Office of Policy and Strategy
U.S. Citizenship and Immigration Services, DHS
20 Massachusetts NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2019-0023: Affidavit of Support on Behalf of Immigrants

Dear Chief Phillips:

The Center for Law and Social Policy (CLASP) respectfully submits this comment opposing the Notice of Proposed Rulemaking: Affidavit of Support on Behalf of Immigrants, DHS Docket No. USCIS-2019-0023.

Established in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for people with low incomes. Our comments draw upon the work of CLASP experts in the areas of immigration and anti-poverty policies. As a national anti-poverty organization, we bring a deep commitment to families living with low incomes and knowledge of the challenges that they experience as a result. We are also experts on how administrative burden, through paperwork and other requirements, can be a barrier to accessing programs and services without changing eligibility criteria.¹

Immigrants have played an important role in America's history, and our future prosperity depends on their ability to thrive. One in four children in the U.S. – nearly 18 million children – has at least one immigrant parent, and the vast majority (about 88 percent or 16 million) are U.S.-born citizens.² Immigrant women comprise 52 percent of the U.S. immigrant population, and many are parents of U.S. citizen children.³ Young adults who are immigrants, also crucial to America's economic future, represent 8 percent of the immigrant population and 10 percent of all young adults.⁴

This comment is in response to the Department's proposed rulemaking that would make it harder to become a sponsor, and therefore harder for immigrants to obtain green cards. Sponsorship is a critical element of the United States' system of family-based immigration. The affidavit of support is required for most family-based immigrants and some employment-based intending immigrants to show that they have adequate means of financial support and are not likely to become a public charge. Affidavits of support are contracts between the sponsor that completes the affidavit and the U.S. Government, and on the affidavit the sponsor must show and attest that they have sufficient income and/or assets to maintain the intending immigrants and the rest of their household. The affidavit is the agreement by the sponsor that they will use their resources to support the immigrants as agreed if it becomes necessary. Of the 1,183,505 foreign nationals admitted to the United States in FY2016 as lawful permanent residents (LPRs), 804,793, or 68 percent, were admitted based on family ties.

As discussed below in more depth, we believe that the proposed rulemaking is an improper attempt to bypass Congress and impose additional burdens on sponsors in order to limit family-based immigration and should be immediately withdrawn.

The Proposed Regulation Would Deter People from Accessing Critical Supports

The proposed rule would disregard sponsors' incomes and require them to have a joint sponsor if they or a member of their household member have used public benefits -- including Medicaid, Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF) -- anytime within 36 months of executing the Affidavit of Support. Under the previous policy, use of benefits was not taken into account in determining whether a joint sponsor is needed.

This new public benefits provision will deter U.S. citizens from using benefits for which they are eligible if they hope to sponsor or joint sponsor a family member in the future. The vast majority, 91 percent, of family-based immigrants are sponsored by U.S. citizens. U.S. citizens, whether native born or naturalized, do not face public benefits eligibility restrictions based on their immigration status.⁵ A recent study revealed that in just a single year, 3 in 10 U.S. born citizens received Medicaid, SNAP, SSI, TANF or housing assistance.⁶ It also showed that approximately 43 to 52 percent of U.S. born people participated in at least one of these programs in a 20-year period from 1997-2017.⁷ Use of these programs is not an indication of penury, but a reflection of our unstable labor market, and in particular the decline of affordable employer-provided insurance.

In addition, the Children's Health Program (CHIP), a benefit that would make a U.S. citizen ineligible to be a sponsor under the proposed rule, is by no means a program targeted at the poor. Pregnant women and children can be eligible for CHIP with incomes as high as 405% of Federal Poverty Level (FPL).⁸ In 19 states, the upper income limit of CHIP is greater than 300% of the FPL and in 10 states it is greater than 250% of the FPL, which is enough income to be a heavily weighted positive factor in the public charge test.⁹ DHS asserts that receipt of these benefits is evidence that a sponsor may be unable to maintain income equal to at least 125 percent of the FPL or to maintain their support obligations, but provides no evidence to support this assertion.

Immigration policies that create consequences for immigrants and their family members if they use a public benefit, create a deterrent effect well outside of those who would be directly affected. Despite the fact that under the 2019 DHS public charge rule, only a small percentage of non-citizens could be ineligible for green cards based on current benefit use,¹⁰ immigrants and their U.S. citizen family members are continuing to forego benefits for which they are eligible. In a recent national survey, nearly one in three low-income immigrants and their U.S. citizen family members shared that they are foregoing access to health care and economic supports because of fear of being designated a public charge.¹¹ An interview with 16 health center leaders in September 2019, found that nearly half (47%) reported a decline in Medicaid enrollment by immigrant patients starting in 2018.¹² A recent study published in the Journal of the American Medical Association found that nearly 500,00 people in Texas avoided public programs or medical care in the past year because of perceptions of the public charge rule and other immigration-related concerns.¹³ A New York University study found that the vast majority of immigrant-serving organizations (97 percent) surveyed reported elevated client fear of

seeking human or health-related services.¹⁴ And, uninsured rates among Latino children widened for the first time in a decade in 2018, rising to 8.1 percent compared to 5.2 percent for all children and 4.2 percent for non-Latino children.¹⁵ The chilling effects of the regulation change are widespread, with more than 10 million immigrants and 12 million of their U.S. family members potentially affected.¹⁶

Recently, CLASP documented the climate of fear and confusion in immigrant communities in Boston, Massachusetts, Charlotte, North Carolina, and Columbia, South Carolina in our reports, which are based on semi-structured interviews with immigrant-serving organizations that provide direct services, including primary health, patient support and care coordination, mental and behavior health care, center-based child care and early education, home visiting and early intervention, nutrition assistance, and immigration legal services. Among our findings, we heard that families are avoiding publicly funded health, nutrition, and education services for which they are eligible, even for their U.S. citizen children. For example:

- An executive director of a multi-service organization that offers early care and education said, “The public charge changes have probably been the most confusing for our membership.”¹⁷
- One legal service provider from the Greater Boston Area described how clients don’t want WIC or SNAP anymore, even if the clients are U.S. citizens or green card holders already.¹⁸
- One after-school director told us about a child in her program who was sick, but his mother was afraid to take him to the doctor because she was in the process of applying for a green card.¹⁹

This proposed regulation would add to the documented confusion and fear already caused by the public charge rule, and make it harder and more costly for agencies and community based organizations to communicate accurate information about the policies because the list of programs that could disqualify an individual from serving as a sponsor is different from the programs taken into account for the public charge determination. Additionally, ambiguity about the meaning of “household member” in this section of the regulation will further increase the chilling effect. Does USCIS intend that the use of benefits by any member of the sponsor’s household trigger the restriction? Does it apply only to a household member who executes a “Contract Between Sponsor and Household Member”?

In addition, the current public health and economic crisis of the COVID-19 pandemic is a terrible time to introduce a policy that makes anyone afraid to enroll in programs that provide health care, nutrition, or other assistance they need to stay healthy. Instead of penalizing sponsors for accessing health care, nutrition or other public benefits, our national policy should encourage people to make sure their families are healthy, fed and safe. We urge strongly that DHS remove this policy of penalizing sponsors for use of benefits.

Proposed Changes are an Improper Attempt to Deter Sponsors and Drastically Cut Family-Based Immigration

The proposed regulation would deter family members and others from serving as sponsors and, ultimately, limit family-based immigration by increasing burdensome paperwork, allowing sponsors’ and co-sponsors’ sensitive, personal information to be shared, making sponsors fear enrollment in health care programs and other public benefits, and giving ominous warnings about fines and liability.

USCIS provides no evidence that these changes would make it more likely that sponsors would provide accurate or relevant information on the affidavits of support, or support the immigrants they sponsor.

These changes do add to the paperwork burden and cost involved in completing the forms. They would add to the chilling effect that has already deterred many immigrants and their families from accessing public programs for which they are eligible. In addition, immigrants who have experience with corrupt governments or have experienced identity theft may be particularly reluctant to share their full bank routing information with the government. Finally, we are deeply concerned that the vagueness and lack of clarity of the section on when sponsors may be required to repay the government for benefits received by the sponsored immigrant will create confusion and fear, discouraging people from serving as sponsors.

These negative consequences do not appear to be accidental. We believe them to be the intended result of, and the motivation for, these proposed. In other words, these changes are an attempt to use administrative burden as a means to achieve the Trump Administration's long-standing objective of limiting family-based immigration to the United States, particularly from certain countries. Because this regulation targets family-based immigration, it will have a disproportionate impact on people of color.

The Proposed Regulation Appears to be Driven by the Administration's Racial Animus

The Administration has repeatedly attempted to restrict lawful family-based immigration to the U.S. When Congress rejected its proposal to implement a points-based system to limit family-based immigration, it pivoted to a series of efforts to achieve this goal through other means. For example, advisor Stephen Miller acknowledged to supporters that the temporary limits on family-based immigration imposed this spring, supposedly imposed to control COVID-19, were in reality the first step of an overall plan to restrict family-based immigration.²⁰

Further, Donald Trump has expressed his support for dramatic changes to family-based immigration, particularly when the immigrants come from certain countries. Since the start of his Presidential bid, Trump has made numerous and frequent statements that explicitly express hostility to immigrants from Latin America, Africa, and Middle Eastern countries where the majority of people are not white and have low incomes, which are directly relevant to understanding the administration's motivations.

Examples include:

- During his first campaign speech, Trump said: "When Mexico sends its people, they're not sending their best. They're sending people that have lots of problems. They're bringing drugs. They're bringing crime. They're rapists."²¹
- On January 26, 2017, less than a week after taking office, President Trump issued the first of three executive orders banning people from predominantly Muslim countries from entering or reentering the United States. The ban currently affects millions of people, including hundreds of thousands of U.S. citizens and permanent residents, who are prevented from reuniting with family members who live in the designated countries.
- In June 2017, Trump said 15,000 recent immigrants from Haiti "all have AIDS" and that 40,000 Nigerians, once seeing the United States, would never "go back to their huts" in Africa.²²
- On July 26, 2017, President Trump expressed his support for the RAISE Act and promised "to create a new immigration system for America. Instead of today's low-skill system, just a terrible system where anybody comes in."²³ However, this bill only received support from three Senators, and was never even heard in committee.²⁴
- On January 11, 2018 President Trump complained about "these people from shithole countries" coming to the United States and added that the United States should accept more immigrants from countries like Norway.²⁵

- In August 2019, Ken Cuccinelli, the acting director of U.S. Citizenship and Immigration Services, twisted the words of the famous Emma Lazarus poem and said "give me your tired and your poor who can stand on their own two feet and who will not become a public charge."²⁶ In a subsequent interview, Cuccinelli went a step further, saying the poem referred to "people coming from Europe."²⁷
- Steven Miller, a lead advisor on immigration affairs, has called said that the temporary suspension of most immigration, purportedly in response to the COVID-19 crisis, is actually the first step in a longer term vision of cutting off immigration, and particularly family-based visas.²⁸ Miller has been seeking justifications for such restrictions, and for other ways to limit immigration, since the start of the administration.²⁹

In addition to expressing hostility towards immigrants and people of color, President Trump has frequently displayed friendliness with proud racists and white nationalists. For example, he called some of those who marched alongside white supremacists in Charlottesville, Va., last August "very fine people." After David Duke, the former leader of the Ku Klux Klan, endorsed him, Trump was reluctant to disavow Duke even when asked directly on television. Trump endorsed and campaigned for Roy Moore, the Alabama Senate candidate who spoke positively about slavery. Trump also pardoned – and praised – Joe Arpaio, the Arizona sheriff sanctioned for racially profiling Latinos and for keeping immigrants in brutal prison conditions. More recently, Trump declined to denounce white supremacy in the first 2020 presidential debate.³⁰

Requiring All Sponsors to Provide their Past Three Years of Tax Returns Will Harm Sponsors and Deter Sponsorship

The proposed regulation would require all sponsors to provide their last three years of federal income tax returns rather than only their past year's return. Sponsors currently have the option of providing up to their past three years of returns. This option can help sponsors who have recently seen lower earnings or hours or gaps in their work—as millions of Americans are experiencing now during the current pandemic-related recession. But requiring *all* sponsors to provide their past three years of returns will in many cases harm sponsors by slighting their current financial situation and painting a falsely negative portrait of their ability to support the immigrants they are sponsoring.

One can easily think of numerous circumstances in which a potential sponsor is financially able to meet the affidavit of support standards now but had significantly lower income before. The sponsor could have experienced a short-term layoff at work. The sponsor could have been a student, working and earning less and often taking on debt but seeking a degree or credential to gain a promotion or improve their earnings prospects. The sponsor could have been on parental leave or could have needed to otherwise take time away from work to care for a child, parent, or other relative. The sponsor could have been seriously ill and unable to work but now fully recovered. Or the sponsor could have been starting a business that started slowly but is now making a profit. In each of these cases, the income that the sponsors would have reported on their tax returns would be significantly lower than their current income. Under the proposed regulation, USCIS could use that lower income to determine that the sponsors cannot adequately support the sponsored immigrant even if the sponsors' current and prospective income would be adequate.

For many of these sponsors, waiting another year or two to sponsor their relative in order to put their period of lower income further behind them will not work. Children risk aging out of eligibility as either immediate relatives or derivative beneficiaries. Aging parents go without the care and comfort of a

sponsoring son or daughter. Sponsors who are building family-run businesses do without the trusted labor and skill that siblings and other relatives could provide. And spouses who have committed to sharing their lives together remain separated. Sponsors in these cases would have worked and waited long enough to regain financial stability. They should not be required to wait even longer to satisfy an unnecessary and arbitrary timeframe set by USCIS.

Nor should these sponsors be required to secure joint sponsors. These sponsors are fully capable of supporting their relatives by themselves now. They should not need to turn to another person to meet their support obligation--and should not need to ask that other person to take on the legal responsibility that joint sponsorship entails.

Instead of requiring all sponsors to provide their past three years of tax returns, USCIS should instead maintain the current regulation requiring only the most recent return but allowing sponsors to present up to the three most recent years of returns.

Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary

USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, and the account holder's name. Co-sponsors will be required to provide the same information, which, combined with the proposed I-864's ominous warnings about sponsor reimbursement and sweeping release of information, will make it extremely difficult for petitioning family members to obtain co-sponsors.

DHS provides no reasonable justification for the massive documentary burdens and invasion of privacy that will result from requiring all sponsors and household members to provide information about their bank accounts. There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account, to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim. The inclusion of full bank account information is an invitation for financial fraud by anyone able to obtain a copy of the I-864, including sponsored former spouses and the staff of benefits agencies (who would no longer need to get a subpoena). A fundamental principle of data privacy is that data should not be collected or stored unless it is needed for a specific purpose. Individuals with close connections to countries with high levels of government corruption may be particularly concerned about sharing this information with a government agency.

Relying on Credit History as a Factor has a Disproportionate Impact on Sponsors of Color

Relying on credit history as a factor has a disproportionate impact on communities of color, including immigrants and naturalized citizens. Today's credit scoring system was built upon a credit market that discriminates against people of color and penalizes borrowers for using the type of credit disproportionately used by people of color. Our nation has a history of explicitly excluding communities of color from low-cost and mainstream loans.³¹ Banks, appraisers, real estate agents, and others perpetuated redlining and predatory lending practices, disproportionately steering communities of color to high-cost products.

Further, neither credit reports nor credit scores were designed to provide information on whether a consumer is more or less likely to maintain his or her income in the future. Nor are credit reports and scores any indication of whether the sponsor will be able to maintain the sponsored immigrant at the required federal poverty income level for the household size. Credit reports and credit scores are designed to have a very narrow and specific purpose: whether a borrower will become 90 days late on a credit obligation. A bad credit report or low score—or even the lack of one—is not a reliable predictor of the likelihood that an adjustment of status applicant will obtain public benefits or that a sponsor will fail to provide necessary financial support to that applicant. A bad credit record is often the result of circumstances beyond a consumer's control, such as illness or job loss, from which the consumer may subsequently recover.³²

Moreover, credit scores do not take into consideration many of the day-to-day expenses that sponsors and household members incur and meet, including paying bills and rent, typically a family's largest recurring expense. Savings and checking accounts are not listed on credit reports from the big three credit bureaus because no borrowing or debt is involved. Credit reports and credit scores do not take these transactions into account and thus do not provide an accurate view of a sponsor's financial history. Only sponsors and household members who have had a credit card, bank loan, unpaid bills in collection, mortgage, or bankruptcy are likely to have a credit report from one of the three major credit bureaus. As of 2010, approximately 15% of Black and Hispanic consumers, compared to an estimated 10% of their White counterparts, are "credit invisible," meaning these consumers are without credit records.³³ Even when consumers have credit scores, reports may have errors, which are difficult to correct, and lower consumers' score. According to a study conducted by the Federal Trade Commission, one in five people have an error on at least one of their credit reports.³⁴

The Department Fails to Adequately Evaluate the Impacts of the Proposed Regulation

The Department does not provide a rigorous qualitative discussion or reliable quantitative estimates of the proposed regulation's overall impact, making it impossible for the public to understand and comment on the justification of the regulation or its effects. The Department fails to adequately evaluate the impacts of the proposed regulation, including in its discussion of costs and benefits in the preamble, leaving out considerable impacts in their analysis. In fact, the only costs that are actually reported are the direct and opportunity costs of the time spent filing the required forms: Form I-864, Form I-864A, Form I-864EZ, Form I-864W, I-865, and Form G-153.

The Office of Management and Budget has published a primer that summarizes what is involved in a cost-benefit analysis as required under Executive Order 13563, Executive Order 12866, and OMB Circular A-4.³⁵ This primer states that agencies must produce:

"an estimate of the benefits and costs —both quantitative and qualitative—of the proposed

regulatory action and its alternatives: After identifying a set of potential regulatory approaches, the agency should conduct a benefit-cost analysis that estimates the benefits and costs associated with each alternative approach. The benefits and costs should be quantified and monetized to the extent possible, and presented in both physical units (e.g., number of illnesses avoided) and monetary terms. When quantification of a particular benefit or cost is not possible, it should be described qualitatively. The analysis of these alternatives may also consider, where relevant and appropriate, values such as equity, human dignity, fairness, potential distributive impacts, privacy, and personal freedom. The agency's analysis should be based on the best available scientific, technical, and economic information. To achieve this goal, the agency should generally rely on peer-reviewed literature, where available, and provide the source for all original information. In cases of particular complexity or novelty, the agency should consider subjecting its analytic models to peer review. In cases in which there is no reliable data or research on relevant issues, the agency should consider developing the necessary data and research."

DHS has completely failed to meet this regulatory standard. Among the Department's most glaring omissions is an adequate analysis of the regulation's chilling effect on program participation and reduction in immigration benefits.

In the preamble, the Department recognizes that the proposed regulation: "could result in some sponsors and joint sponsors who may intend to sponsor a family member in the future forgoing enrollment or disenrollment from a means-tested public benefits programs to avoid triggering the proposed additional requirements. This could result in additional indirect impacts incurred from the change of the behavior due to this proposed rule." Despite acknowledging this chilling effect, the Department does not provide estimates of the number of individuals and their family members who may forgo or disenroll from public benefits or analysis of the downstream economic implications of these chilling effects on health care providers, state and local governments, or small business. DHS has further recognized the harmful consequences of chilling effects in recent rulemaking. In the preamble of the Department's Inadmissibility on Public Charge Grounds proposed regulation, the Department recognized that disenrollment or foregoing enrollment in public benefits 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."

This time around the Department fails to even recognize these harmful consequences of the proposed regulation's chilling effect and again fails to quantify the extent of these harmful outcomes and its cost to society. This is true even though there are rigorous studies that have assessed the benefits of program participation that could be used to measure the cost of the chilling effect. For example, research has found that greater Medicaid eligibility increases college enrollment, lowers mortality, and increases the amount individuals pay in taxes.³⁶ Studies have found that every state dollar spent on prenatal care saves states between \$2.57 and \$3.38 in future medical costs.³⁷ Similarly, spending on

SNAP for seniors has been shown to reduce hospitalization costs.³⁸

Additionally, the Department does not adequately assess immigration impacts of the proposed regulation. In the preamble, the Department acknowledges that “there could be a reduction in the number of immigrants granted an immigration benefit in cases where the intending immigrant is unable to obtain a sponsor who can meet the new requirements under this proposed rule.” However, the Department fails to provide any estimate of the reduction of people granted an immigration benefit, or any analysis on this immigration impact on the individuals, their families and communities, their employers, or society as a whole. For example, extensive research shows that parental detention and deportation harms a child’s mental and physical health, economic security, and educational outcomes.³⁹ A parent’s deportation can drastically undercut the economic security of families already struggling to make ends meet, especially when that parent is the primary or sole breadwinner. One study estimates that the sudden loss of a deported parent’s income can reduce a family’s household income by 73 percent.⁴⁰

Ultimately, the failure of the Department to adequately evaluate the regulation makes it impossible to justify the regulation and for the public to assess the regulation’s effect on our nation.

Conclusion

CLASP strongly opposes the Affidavit of Support proposed regulation. If implemented, the regulation would deter sponsors from playing a critical role that permits family members and close contacts to adjust status, ultimately reducing the number of immigrants who are able apply for and receive green cards.

Our comments include citations to supporting research and documents for the benefit of DHS in reviewing our comments. We direct DHS to each of the items cited and made available to the agency through active hyperlinks, and we request that these, along with the full text of our comments, be considered part of the formal administrative record on this proposed rulemaking.

Thank you for your consideration. If you have any questions regarding these comments, you may contact me at rrocha@clasp.org.

Renato Rocha
Senior Policy Analyst, Income and Work Supports
Center for Law and Social Policy

All sources accessed October 2020.

¹CLASP, "Improving Access, Cutting red Tape" <https://www.clasp.org/publications/journal-article/improving-access-cutting-red-tape>. For a discussion of how administrative burden is often deliberately used to restrict access, see Herd, P., & Moynihan, D. (2018). *Administrative Burden: Policymaking by Other Means*. NEW YORK: Russell Sage Foundation.

² State Immigration Data Profiles, "United States - Demographics & Social," Migration Policy Institute, n.d., <https://www.migrationpolicy.org/data/state-profiles/state/demographics/US>.

³ Jie Zong, Jeanne Batalova, and Jeffrey Hallock, "Frequently Requested Statistics on Immigrants and Immigration in the United States," Migration Policy Institute, February 8, 2018, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

⁴ CLASP analysis of 2016 American Community Survey Data.

⁵ Department of Homeland Security, Yearbook of Immigration Statistics, 2018, Table 6: <https://www.dhs.gov/immigration-statistics/yearbook/2018/table6>.

⁶ D. Trisi, Trump Administration's Overbroad Public Charge Definition Could Deny Those Without Substantial Means a Chance to Come or Stay in the U.S., Center on Budget and Policy Priorities (May 30, 2019) <https://www.cbpp.org/research/poverty-and-inequality/trump-administrations-overbroad-public-charge-definition-could-deny>.

⁷ *ibid.*

⁸ Kaiser Family Foundation, Medicaid and CHIP Income Eligibility Limits for Children as a Percent of the Federal Poverty Level, Kaiser Family Foundation (January 1, 2020) <https://www.kff.org/health-reform/state-indicator/medicaid-and-chip-income-eligibility-limits-for-children-as-a-percent-of-the-federal-poverty-level/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Upper%20Income%20Limit%22,%22sort%22:%22desc%22%7D>.

⁹ *Ibid.*

¹⁰ R. Capps et al, Public Charge Rule: Broad Impacts, But Few Will Be Denied Green Cards Based on Actual Benefit Use, Migration Policy Institute (March 2020). <https://www.migrationpolicy.org/news/mpi-estimates-non-citizens-ineligible-green-cards-based-current-benefit-use>.

¹¹ Note that one in three *low income* immigrant families reported foregoing access to public benefits -- such as SNAP, Medicaid, CHIP or housing subsidies -- out of fear, and one in five of *all* immigrant families - regardless of income - reported foregoing access to programs. Low income families are more likely to meet the income-eligibility rules for public benefit programs. M. Haley, et al, "One in Five Adults in Immigrant Families with Children Reported Chilling Effects on Public Benefit Receipt in 2019," Urban Institute (June 18, 2020) available at: <https://www.urban.org/research/publication/one-five-adults-immigrant-families-children-reported-chilling-effects-public-benefit-receipt-2019>.

¹² Tolbert J, et al. "Impact of Shifting Immigration Policy on Medicaid Enrollment and Utilization of Care Among Health Center Patients," The Henry J. Kaiser Family Foundation (Oct 15, 2019) available at: <https://www.kff.org/medicaid/issue-brief/impact-of-shifting-immigration-policy-on-medicaid-enrollment-and-utilization-of-care-among-health-center-patients>.

¹³ B.D. Sommers, et al, "Assessment of Perceptions of the Public Charge Rule Among Low-Income Adults in Texas," JAMA available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2768245>.

¹⁴ H. Yoshikawa, et al "Approaches to Protect Children's Access to Health and Human Services in an Era of Harsh Immigration Policy," NYU Institute of Human Development and Social Change, available at: [https://steinhardt.nyu.edu/sites/default/files/2019-10/Approaches percent20to percent20Protect percent20Children's percent20Access percent20in percent20an percent20Era percent20of percent20Harsh](https://steinhardt.nyu.edu/sites/default/files/2019-10/Approaches%20to%20Protect%20Children's%20Access%20in%20an%20Era%20of%20Harsh)

[percent20Immigration percent20Policy 0.pdf](#).

¹⁵ K. Whitener et al, "Decade of Success for Latino Children's Health Now in Jeopardy," Georgetown University Center for Children and Families, (March 2020) available at: <https://ccf.georgetown.edu/wp-content/uploads/2020/03/Latino-Childrens-Health-Care-Coverage.pdf>.

¹⁶ Based on analysis of U.S Census Bureau data, the population that could feel the rule's "chilling effects" and disenroll includes 10 million noncitizens—47 percent of the noncitizen population in the United States. These noncitizens live in families with 12 million U.S.-citizen family members—nearly two-thirds of them children, and chilling effects will extend to their citizen family members. And it will fall particularly hard on the two largest racial/ethnic immigrant groups: Latinos and Asian American/Pacific Islanders (AAPI). Approximately 16.4 million people live in benefit-receiving families with at least one Latino noncitizen and 3 million live in such families with at least one AAPI noncitizen. J. Batalova et al, "Millions Will Feel Chilling Effects of U.S. Public Charge Rule That is Also Likely to Reshape Legal Immigration," Migration Policy Institute (August 2019) available at: <https://www.migrationpolicy.org/news/chilling-effects-us-public-charge-rule-commentary>.

¹⁷ Renato Rocha, Rebecca Ullrich "Trump Administration Immigration Policies Are Harming Children and Families in the Greater Boston Area" Center for Law and Social Policy, <https://www.clasp.org/publications/report/brief/greater-boston-immigration-2020>.

¹⁸ Ibid.

¹⁹ Madison Allen, Renato Rocha, Esther Davila "Trump Administration Immigration Policies Are Harming Children and Families in the Carolinas" Center for Law and Social Policy, <https://www.clasp.org/publications/report/brief/carolinas-immigration-2020>.

²⁰ New York Times, "Trump's Temporary Halt to Immigration is Part of Broader Plan, Stephen Miller Says" <https://www.nytimes.com/2020/04/24/us/politics/coronavirus-trump-immigration-stephen-miller.html>.

²¹ Washington Post Staff, "Full text: Donald Trump announces a presidential bid," The Washington Post, June 16, 2015, https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/full-text-donald-trump-announces-a-presidential-bid/?utm_term=.c35512e917ef.

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