

# CLASP

Policy solutions that work for low-income people

**August 7, 2018**

**Ms. Jennifer Jessup  
Departmental Paperwork Clearance Officer  
Department of Commerce  
Room 6616  
14<sup>th</sup> and Constitution Avenue, NW  
Washington, DC 20230**

**RE: Comments on Proposed Information Collection on 2020 Census, Docket No. USBC-2018-0005**

Dear Ms. Jessup,

The Center for Law and Social Policy (CLASP) is grateful for the opportunity to comment on the proposed 2020 Census information collection.

**CLASP strongly opposes the addition of a citizenship question in the 2020 Census and urges the Commerce Department to remove this question from the 2020 Census form.** Immigrant families of all backgrounds—including those with lawful immigration status and those that include citizens (including citizen children with immigrant parents and naturalized citizens)—are increasingly fearful of interactions with government agencies due to increased immigration enforcement activities and other immigration policy changes. Given that context, the addition of a citizenship question on the Census would have the likely effect of depressing response rates in immigrant communities. Since non-citizens and citizen children in immigrant households comprise significant shares of the US population overall, and even larger shares in particular states and communities, depressed response rates would result in an inaccurate Census count. The United States Constitution mandates that *all residents* are counted in the decennial Census; therefore, any question that may reduce responses by groups of residents threaten the overall goal and accuracy of the Census. These inaccuracies would skew key decisions made based on the Census, with consequences that include systematically inaccurate allocation of resources by age group and geography. An inaccurate Census would have long term consequences for the entire country.

Established in 1968, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for low-income people. 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 understand the critical importance of federal programs that support the health and economic well-being of low-income families and whose funding apportionment is based on Census data. We also rely on accurate Census data for demographic and other vital information about the US population. Our comments fall into three sections:

- The Immigration Context and its Impact on the Census;
- Consequences of a Census Undercount; and

- Impacts on the Census Undercount of Young Children

### The Immigration Context and its Impact on the Census

The current political environment has led immigrants of all statuses—including non-citizens with lawful status and naturalized citizens—to have heightened fears of interactions with government agencies. CLASP documented the climate of fear in immigrant communities around the country firsthand in our report, *Our Children’s Fear: Immigration Policy’s Effects on Young Children*.<sup>1</sup> From May to November 2017, we traveled to six states and conducted interviews and focus groups with approximately 150 early childhood educators and parents to assess how children and families were impacted by increased immigration enforcement and other immigration policies. Among our findings, we heard that immigrant families are increasingly wary of utilizing government services, including for their US citizen children. For example:

- A home visitor in North Carolina said, “We’ve seen a major reluctance to enroll or re-enroll in public benefits. Moms are afraid to sign back up for Medicaid, food stamps, and other [governmental] services.”
- An early educator in Georgia told us about a child with autism who is no longer receiving therapeutic services because his father is too afraid to drive to the clinic out of fear of being stopped by immigration authorities along the way. In Pennsylvania, parents talked about hesitating to take their children to the hospital for emergency care for the same reason.
- Early education programs reported drops in attendance, fewer applications, trouble filling available spaces, and lower parent participation in the classroom and events.

Many of the service providers and parents we spoke to directly linked these changes to the current immigration climate. We were told that immigrant families hesitate to access public benefits and government services out of fear of immigration enforcement or the concern that it will impact their immigration status or citizenship in the future.

Our findings are consistent with media reports that since the beginning of the Trump Administration, many immigrants are avoiding government interactions, hospitals, and clinics out of fear of immigration enforcement.<sup>2</sup> There have also been documented reports of low-wage workers turning down unpaid back wages the government has obtained from their employers, because workers fear that accepting the checks could lead to deportation.<sup>3</sup> This is further evidence that the current political climate is causing widespread and pervasive fear by immigrants of interactions with government agencies.

CLASP’s research suggests that immigrant families, even lawfully present immigrants, may have concerns about being questioned about their citizenship status. A citizenship question is likely to raise privacy concerns given Administration proposals to limit lawfully present immigrant’s access to health and nutrition services and other public benefits.<sup>4</sup> We anticipate that countless numbers of immigrants will choose not to participate in the Census for fear that their personal information and immigration status would not remain confidential and may be used against them or members of their families. The Census Bureau’s Chief Scientist expressed similar concerns about the question.<sup>5</sup>

As of 2016, immigrant families comprised 27 percent of the U.S. population;<sup>6</sup> and the majority of them had lawful status in the United States.<sup>7</sup> Given proposals that have targeted lawfully present immigrants, their U.S. citizen children, and naturalized citizens, we are deeply concerned that there could be a significant undercount of a large share of U.S. residents.

### Consequences of A Census Undercount

The participation of all residents in the Census and the accuracy of the Census count are vitally important to the United States. The decennial Census is not simply the fulfillment of a constitutional mandate, it is a data collection that paints a comprehensive and consequential picture of who we are as a nation. In addition to the crucial role Census data play in redistricting, public and private institutions rely on the data to research and study demographic information and trends. An inaccurate Census will have widespread consequences for researchers, academics, government agencies, policymakers and advocates as they make critical decisions that impact the lives of every American.

Census data inform countless political, legislative, and administrative decisions in a given decade. They are vital to decision-making related to health, education, business investments, and more. Its data determine funding for early childhood programs; K-12 and adult education; workforce development; health services; public benefits and more. Census data determine the apportionment of billions of dollars in federal funding, including Section 8 Housing Assistance, the Workforce Innovation and Opportunity Act, Medicaid, and Head Start, which are vital supports for low-income individuals. An inaccurate count of immigrant families could negatively impact the equitable distribution of funds to states and communities for public programs, effectively hurting the ability of low-income families to put food on the table, a roof over their heads, and access quality health coverage.

For example, Medicaid accounts for more than half of Census-guided funding and allocates funds based on the Federal Medical Assistance Percentage (FMAP), which is based on per capita income and determines how much federal and state partners pay for the program.<sup>8</sup> A study by the Brookings Institute found a direct correlation between decennial Census accuracy and Medicaid funding – each additional person included in the Census resulted in hundreds or thousands of additional Medicaid reimbursement dollars to most states.<sup>9</sup> An inaccurate Census could risk the health and wellbeing of entire local and state communities.

An inaccurate Census would impact the apportionment of federal funds nationwide but would likely affect certain communities more than others. Specifically we expect an undercount to negatively impact those already at greater risk of being undercounted, including immigrants, people of color, young children, and low-income residents.<sup>10</sup> The attorneys general of 18 states, including California, Illinois, Iowa, Mississippi and Pennsylvania, and the District of Columbia reached a similar conclusion in their letter of opposition to the question.<sup>11</sup> An inaccurate decennial Census will starve low-income and immigrant communities of the government resources that they are entitled to for at least a decade.

The impacts of an inaccurate undercount would significantly impact a number of states with large immigrant populations—such as California, Texas, Florida and New York—as well as those experiencing large growth in immigrant populations—such as Delaware, Kentucky, South Carolina and Tennessee.<sup>12</sup>

These states and others may be particularly hurt by the addition of the citizenship question, impacting not just immigrant communities but resources for all residents in the state.

Accurate demographic Census data are critical to nearly all the functions of federal and state government agencies. Census data inform the strategic implementation and enforcement of laws and regulations. For example, an undercount of workers could negatively affect the budgets agencies receive and the outreach and enforcement strategies they use to implement and enforce wage, hour and other labor laws, ultimately undermining the enforcement of laws that safeguard workers' health, safety, and labor rights. The sweeping consequences of an undercount are too great to risk including the citizenship question.

### Impacts on The Census Undercount of Young Children

We are particularly concerned that the addition of an untested citizenship question to the 2020 Census will exacerbate the Census' already persistent undercount of young children due to the high share of immigrant families among households with young children. Researchers – including Census Bureau employees – have documented high undercount rates for young children in every decennial Census since at least the 1980 Census.<sup>13</sup> In the 2010 Census nearly five percent, or 2.2 million, of all young children were missed.<sup>14</sup> The younger a child is, the less likely they are to be counted by the Census and children aged 0-5 are the most likely demographic to be undercounted in the Census.<sup>15</sup> Current census mechanisms often fail to fully reach the areas where young children who are black, Latino, or low-income live, and as a result, they are even more likely to be undercounted than their peers.

Because young children in immigrant families comprise a quarter of all young children, any undercounting of immigrant communities is likely to have a major impact on the young child count and exacerbate the existing undercount of young children in the Census. Importantly, 94 percent of the 5.7 million young children (aged 0-5) in immigrant families in the U.S. are citizens.<sup>16</sup> If their families fail to participate, millions of US citizen children will be unrepresented in the Census.

Given the high share of young children who live in immigrant families, there could be implications for the entire young child population—worsening our undercount, reducing our understanding of the demographics and circumstances of young children and further reducing already insufficient public investments in children. Funding for critical early childhood programs, such as the Children's Health Insurance Program, Head Start, and the Child Care and Development Block Grant, are all informed by Census data. When the Census misses young children, those children and the communities that they live in receive fewer resources than they should and children are less likely to receive the critical services and supports that help them develop and maintain good health.<sup>17</sup> When low-income children and their families do not receive these supports, their long-term development suffers.

### **Conclusion**

Based on the importance of an accurate Census count as mandated by the U.S. Constitution, **we urge the Commerce Department to remove the citizenship question from the 2020 Census questionnaire.**

Additionally, we urge the Department to continue efforts to counter the undercount of young children in the 2020 Census through language changes to the advertisement materials, community partnerships, and

other methods. In light of the current political climate, the Commerce Department should be making every effort to engage all communities—including immigrant communities—in participating in the Census and should not take actions that are likely to suppress participation in the Census. We encourage the Commerce Department to make a clear public statement targeted at immigrant communities that the data collected by the Census are strongly protected by law and to diligently maintain those protections.

Sincerely,



Hannah Matthews  
Deputy Executive Director for Policy

<sup>1</sup> Wendy Cervantes, Rebecca Ullrich, and Hannah Matthews, *Our Children's Fear: Immigration Policy's Effects on Young Children*, CLASP, 2018, <https://clasp.org/ourchildrensfear>.

<sup>2</sup> See for example Caitlin Dewey, "Immigrants Are Going Hungry So Trump Won't Deport Them," *The Washington Post*, March 16, 2017, <https://www.washingtonpost.com/news/wonk/wp/2017/03/16/immigrants-are-now-cancelingtheir-food-stamps-for-fear-that-trump-will-deport-them/>; Greg Kaufman, "Why Immigrants in California are Canceling Their Food Stamps," *The Nation*, March 17, 2017, <https://www.thenation.com/article/why-immigrants-in-california-are-canceling-their-foodstamps/>; Annie Lowrey, "Trump's Anti-Immigrant Policies are Scaring Eligible Families Away from the Safety Net," *The Atlantic*, March 24, 2017, <https://www.theatlantic.com/business/archive/2017/03/trump-safety-net-latinofamilies/520779/>; Ileana Najarro, Jenny Deam, "Fearing Deportation, Undocumented Immigrants in Houston Are Avoiding Hospitals and Clinics," *The Houston Chronicle*, December 27, 2017, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Fearing-deportationundocumented-immigrants-are-12450772.php>.

<sup>3</sup> Ben Penn, *Workers Turn Down Back Pay, Said to Fear Deportation*, Bloomberg, 2017, <https://www.bna.com/workers-turn-down-n57982084889/>.

<sup>4</sup> CLASP, *Public Charge: A New Threat to Immigrant Families*, 2018, <https://www.clasp.org/publications/fact-sheet/public-charge-new-threat-immigrant-families>.

<sup>5</sup> John M. Abowd, *Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census*, U.S. Department of Commerce, 2018, <http://www.osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20%5bCERTIFICATION-INDEX-DOCUMENTS%5d%206.8.18.pdf#page=1289>.

<sup>6</sup> Jie Zong, Jeanne Batalova, Jeffrey Hallock, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, Migration Policy Institute, 2018, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

<sup>7</sup> Gustavo López, Kristen Bialik, *Key Findings about U.S. Immigrants*, Pew Research Center, 2017, <http://www.pewresearch.org/fact-tank/2017/05/03/key-findings-about-u-s-immigrants/>.

<sup>8</sup> Rachel Blanchard Carpenter, Andrew Reamer, *Counting For Dollars: The Role of the Decennial Census in the Distribution of Federal Funds*, Brookings Institution, 2010, <https://www.brookings.edu/research/counting-for-dollars-the-role-of-the-decennial-census-in-the-distribution-of-federal-funds/>; Marisa Hotchkiss, Jessica Phelan, *Uses of Census Bureau Data in Federal Funds Distribution*, United States Census Bureau, 2017, <https://www.census.gov/library/working-papers/2017/decennial/census-data-federal-funds.html>.

<sup>9</sup> Carpenter, *Counting for Dollars*.

<sup>10</sup> Dr. William P. O'Hare, *Why are Young Children Missed So Often in the Census?*, The Annie E. Casey Foundation, 2009, <https://files.eric.ed.gov/fulltext/ED507734.pdf>.

<sup>11</sup> Eric T. Schneiderman, Maura Healey, Xavier Becerra, et al., *A.G. Schneiderman Leads Coalition of 19 AGs Opposing Citizenship Question On 2020 Census*, 2018, <https://ag.ny.gov/press-release/ag-schneiderman-leads-coalition-19-ags-opposing-citizenship-question-2020-census>.

<sup>12</sup> Zong, *Frequently Requested Statistics*.

<sup>13</sup> O'Hare, *Why are Young Children Missed*.

<sup>14</sup> The Leadership Conference Education Fund, Georgetown Law: Center on Poverty and Inequality, *Factsheet: Will Your Kids Count: Young Children and Their Families in the 2020 Census*, 2018, <http://civilrightsdocs.info/pdf/census/Fact-Sheet-Undercount-of-Young-Children.pdf>.

<sup>15</sup> O'Hare, *Why are Young Children Missed*.

<sup>16</sup> Migration Policy Institute tabulation of 2014 American Community Survey (ACS) and 2008 Survey of Income and Program Participation (SIPP) by Bachmeier and Van Hook, <https://www.migrationpolicy.org/programs/data-hub/us-immigration-trends>.

<sup>17</sup> Stephanie Schmit, Rebecca Ullrich, et al., *Nutrition Assistance: A Critical Support for Infants, Toddlers, and Families*, CLASP and ZERO TO THREE, 2017, <https://www.clasp.org/sites/default/files/publications/2017/10/Nutrition%20FINAL%2010-11-17%20%282%29.pdf> ; Stephanie Schmit, Rebecca Ullrich, et al., *Child Care Assistance: A Critical Support for Infants, Toddlers, and Families*, CLASP and ZERO TO THREE, 2017, [https://www.clasp.org/sites/default/files/publications/2017/10/2017\\_ChildCareAssistanceCritical.pdf](https://www.clasp.org/sites/default/files/publications/2017/10/2017_ChildCareAssistanceCritical.pdf) ;Rebecca Ullrich, Patricia Cole, et al., *Health Care Services: Critical Supports for Infants, Toddlers, and Families*, CLASP and ZERO TO THREE, 2017, <https://www.clasp.org/publications/report/brief/health-care-services-critical-support-infants-toddlers-and-families>