

## Trump Administration Threatens Health Care for Immigrant Families

Today, the Trump administration released a [final rule](#) that drastically changes the requirements for certain immigrants to enter the United States and/or become permanent residents. The regulation targets families who have immigrated lawfully, and has major implications for their U.S. citizen relatives, by undermining their access to basic needs, including food, shelter, and health care. This would undercut families' years of hard work to build a better future for themselves, their communities, and our nation.

While we anticipate litigation over this overreaching rule, this regulation is scheduled to take effect **October 15, 2019.**

### Details of the Public Charge Rule

Most immigrants who are either entering the U.S. or applying for lawful permanent residency must show that they are not likely to become a “public charge” – that is, they will not be dependent on the U.S. government for their financial support. For many years, the test for public charge has included a look at two types of benefits:

- » Whether applicants ever received cash assistance, such as Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI), and whether they are likely to need that cash assistance in the future; and
- » Whether applicants are likely to need long-term nursing home care paid for by the government.

Until now, other health care benefits were off limits for this public charge determination. The final rule adds Medicaid and income-based Medicare Savings programs for Medicare beneficiaries to the list of benefits that would be considered in a public charge determination, with an exception for Medicaid beneficiaries who are under the age of 21 or pregnant.

### How will this final rule harm families' health?

This rule will force families to choose between being together and getting the health care they need. It will discourage people from signing up for health insurance and, as a result, they will lose their access to care.

Previously, Medicaid was not included in public charge calculations for applicants seeking legal entry or lawful permanent residency. The final rule changes that. If an immigrant received health coverage through Medicaid, it could be held against them in public charge determinations.

## The impact of this proposed rule extends well beyond the directly targeted individuals and families whose health will be at risk. A community's overall health depends on the health of all of its members.

Currently, legally present adults who work but have incomes near or below poverty whose employers don't offer affordable health insurance are able to get covered through Medicaid. With health insurance, adults can keep themselves healthy and able to work and parent, keep contagious diseases from spreading to their coworkers and communities, and afford to get their illnesses treated before they worsen.

The new regulation will also penalize immigrant Medicare beneficiaries who sign up for Medicare Savings Programs: income-based programs for seniors and people with disabilities that make Medicare affordable. Nine million seniors and people with disabilities currently use these programs.

Although the final rule does not include the Children's Health Insurance Program (CHIP) or Medicaid coverage of children in public charge determinations, it will still have a huge impact on the health and well-being of children. The rule will make immigrants, including immigrant parents, frightened of interacting with the public benefit infrastructure. Nearly [19 million](#) or 25% of children have an immigrant parent, about 10 million of which are citizen children. While the regulation pays lip service to providing exemptions to children under the age of 21, the reality is this rule will make many parents avoid enrolling their children in CHIP or Medicaid. Notably, the administration acknowledged these concerns, and then embraced the goal of minimizing enrollment in Medicaid, stating

that it will “promote the self-sufficiency of aliens within the United States.”

### How will this proposal harm communities' health?

The impact of this rule extends well beyond the directly targeted individuals and families whose health will be at risk. A community's overall health depends on the health of all of its members. The impact of this rule will spill over to others in many ways. Without insurance, families may delay care or forgo it altogether. This means there will be more children in school, and adults in the workplace, without needed preventive services and with untreated illnesses. More people delaying care until the last possible moment will strain emergency resources. Hospitals' and clinics' uncompensated care burdens will increase.

The rule will also hurt the health care workforce. About 17% of all health care workers and nearly [one-fourth](#) of health care support workers, such as nursing aides and home health aides, are immigrants. All too frequently, [agencies that employ](#) these health care workers do not provide them with insurance, and so these workers must rely on Medicaid for their coverage. As baby boomers age and more and more people need health care services including home care, making it harder for health care workers to get the coverage they need to stay healthy, is exactly the wrong thing to do.

**Making families choose between being together or being healthy is cruel, short-sighted, and bad for the whole country. It is also an affront to our core values as a nation. Immigrants have always been part of the lifeblood of our nation. We must stand together to protect them.**

### **What immigrants would be affected?**

Most commonly, the immigrant groups who are subject to public charge determinations are relatives coming to the U.S. to reunite with family members who live here. This includes spouses, children, and parents of U.S. citizens, and family members of lawful permanent residents (“green card” holders) who may have stayed behind in another country until one parent established a home in the United States. Nineteen million U.S. children have foreign-born parents. Each year, about [700,000](#) immigrants seek permanent residency in the U.S. to be united with family. People coming to the US for temporary work and their family members will also be affected, both when they initially apply to come to the United States and if they decide to seek permanent residency.

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 rule.

### **The Fight Continues**

Making families choose between being together or being healthy is cruel, short-sighted, and bad for the whole country. It is also an affront to our core values as a nation. Immigrants have always been part of the lifeblood of our nation. We must stand together to protect them.

This fight is not over. Advocates will be taking the Trump administration to court over this overreach of a rule.

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