

Significant Economic Impact of Proposed Changes to “Public Charge” Rules



OVERVIEW

We are aware that the Department of Justice (DOJ) plans to issue a proposed rule that would relax the requirements for deportation of immigrants on “public charge” grounds, i.e., the basis for determining that a person is dependent on the federal government. Before DOJ publishes its proposed rule to the Federal Register, **we hope the Office of Management and Budget (OMB) ensures the DOJ conducts a robust regulatory impact analysis (RIA) of the costs and benefits of the proposed regulation.**ⁱ In order to comply with Executive Order 12866, DOJ must conduct an RIA because without a doubt the proposed rule will be “economically significant.”

ECONOMICALLY SIGNIFICANT IMPACT OF CHANGES TO “PUBLIC CHARGE” REGULATIONS

Proposals relating to “public charge” can cause a chilling effect on immigrant families who disenroll from or avoid public benefits, even if they are otherwise eligible for such benefits. Any proposed changes to ease restrictions on deportation will have a devastating impact on states, localities, and social service organizations serving immigrant communities.

Per Executive Order 12866, an “economically significant” rule is one that can have an annual effect of \$100 million or more on the economy, or has an adverse effect in a material way on the economy, or sector of the economy, productivity, competition, jobs, environment, public health or safety, or state, local, or tribal governments or communities.ⁱⁱ

Aside from the economic burden of adjudicating deportation claims, there is a significant economic impact of a “public charge” rule on states and localities. As a social service organization, we have witnessed firsthand eligible families disenroll from and avoid public programs, such as the Supplemental Nutrition Assistance Program (SNAP), Children’s Health Insurance Program (CHIP) and other safety net programs. **In addition to the devastating and grossly inhumane impact on immigrant families this policy will have, the net effect of mass disenrollment from public services will present a significant financial and administrative burden to direct service providers and hospitals that serve our communities every day.**

These families will suddenly be faced with an impossible choice: forgo life-saving support, plunging themselves deeper into poverty and putting their health and wellbeing at risk, or become barred from pursuing Legal Permanent Residence status and risk deportation or family separation. Children would go to school hungry, their parents too fearful to enroll them in SNAP-supported free and reduced lunches, thereby decreasing their academic success, and future contributions to the growth of our economy. Income earners would stop seeking preventative care, resorting to the emergency room only when seriously ill or critically injured. Families, unable to seek housing assistance, would be forced out of their homes and into squalid living conditions.

This leads to weaker communities due to potential public health crises, poorer nutrition, increased housing insecurity, and reduced academic achievement. Otherwise eligible families that avoid or disenroll from public programs could have a multigenerational effect, hindering the growth, development and long-term economic success of immigrant families.

ABOUT ACCESS

The Arab Community Center for Economic and Social Services (ACCESS) was founded in 1971 by a group of immigrants and young Arab American volunteers for the purpose of supporting and advocating for the influx of immigrants to the Detroit area and their needs. ACCESS works with an increasing number of African Americans, Latina/o Americans, and Asian Americans each year, along with many other communities of color. ACCESS provides direct services that span healthcare, social services, education programs, workforce training, and public benefits assistance, to over 70,000 clients a year.

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ⁱ OMB Circular A-4 provides agencies with guidance about the necessary elements for a robust RIA that meets the standards set forth in Executive Order 12866.

ⁱⁱ Executive Order 12866, 58 Fed. Reg. 51735-51744 (Oct. 4, 1993), available at: <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>.