

FORGOING FOOD ASSISTANCE *out of* FEAR:

Changes to “Public Charge” Rule May Put 500,000 More U.S. Citizen Children at Risk of Moving into Poverty

Jennifer Laird, Neeraj Kaushal, Jane Waldfogel, and Christopher Wimer

“Public charge” - a term used by U.S. immigration officials for more than 100 years - refers to a person who “is likely to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense.”¹ Foreign-born individuals who are deemed at high risk of becoming a public charge can be denied entry into the U.S. Current policy largely focuses on cash benefits; non-cash benefits, including public nutrition programs, cannot be used in public charge determinations.

The Department of Homeland Security has proposed a regulation that will allow officials to consider the take-up risk of non-cash public benefits when deciding whether to admit or deport non-citizens.² The proposal coincides with a recent surge in immigrant arrest rates.³ Undocumented parents, most of whom have citizen children, are increasingly fearful that any interaction with the government will lead to arrest and deportation. At the same time, immigrants working to obtain legal permanent residence may worry that receiving non-cash public benefits could become a potential liability during the vetting process.

As the public has become more aware of both the proposed DHS policy and the increase in immigrant arrest rates, social service agencies in communities with large immigrant populations have reported a spike in canceled appointments and urgent requests for disenrollment in means-tested programs (Baumgaertner, 2018). Nationwide, there was a 4% enrollment decline in both the Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) and the Supplemental Nutrition Program for Women, Infants, and Children (WIC) between 2016 and 2017. In areas with large immigrant populations, SNAP and WIC enrollment declines were closer to 10%.

¹ See <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet> for a more detailed description of the current public charge definition.

² See <https://www.reginfo.gov/public/do/eAgendaViewRule?publd=201710&RIN=1615-AA22> for a summary of the proposed regulation.

³ According to the U.S. Immigration and Customs Enforcement (ICE), there was a 38% increase in the number of immigrants arrested between 2016 and 2017.



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The Trump administration’s proposed changes to public charge provisions would have a disproportionate effect on citizen children of immigrant parents. Approximately 90% of children with immigrant parents are U.S.-born and therefore eligible for SNAP (Fortuny et al., 2009).⁴ Most of these children also live in a household with at least one non-citizen. According to the American Immigration Council (2017), almost six million citizen children under the age of 18 live with a parent or family member who is undocumented, while 5.5 million citizen children live with a parent or family member who is a legally resident non-citizen.

What would happen to child poverty if non-citizen parents give up non-cash food assistance benefits to which their citizen children are entitled? Table 1 below summarizes the poverty results from a simulation in which households with at least one non-citizen cancel their participation in SNAP/food stamps and WIC. We use Current Population Survey (CPS) data from calendar year 2016 (the most recent year available). We measure poverty using the Supplemental Poverty Measure (SPM), the best available measure of income poverty, which counts in-kind benefits like SNAP and WIC as income before tabulating poverty rates. Note that these estimates use data where income from major benefit programs is corrected for underreporting in major household surveys. Baseline estimates thus deviate from estimates provided from official government sources. The population in Table 1 is restricted to citizen children in mixed status and non-citizen households.⁵

Table 1: Poverty effects for citizen children in mixed status and non-citizen households, if those households do not take up SNAP and WIC

	<i>Actual</i>	<i>If mixed status and non-citizen households don't take up SNAP and WIC</i>	<i>Increase in the number of children in poverty</i>
SPM poverty rate for citizen children in mixed status and non-citizen households	22.1%	28.0%	560,000
Deep SPM poverty rate (<50% of SPM poverty) for citizen children in mixed status and non-citizen households	3.8%	6.4%	240,000

For citizen children in mixed status and non-citizen households, the poverty rate could increase by more than a quarter and the deep poverty rate could increase by more than half in the absence of SNAP and WIC. The poverty rate for this population could increase from 22.1% to 28.0%; the deep poverty rate could increase from 3.8% to 6.4%. 560,000 citizen children

⁴ Eligibility for SNAP is restricted to U.S. citizens and lawfully-present non-citizens; eligibility for WIC does not depend on immigrant status.

⁵ All estimates are adjusted for the under-reporting of SNAP, TANF, and SSI using data from the Urban Institute’s Transfer Income Model (TRIM) model. See Laird et al. (2018) for a description of the TRIM adjustments. We attenuate our estimates of the number of SNAP recipients affected by 4% and we round to the nearest 10,000. According to the USDA, the SNAP population in December of 2017 is 4% smaller than the SNAP population at the same time in 2016. We are likely underestimating the number of children affected by the proposed addition of SNAP and WIC to the public charge provisions. The CPS undercounts immigrants, particularly undocumented immigrants (Kaneshiro, 2013), some of whom live in households with SNAP-eligible citizen children. Among non-citizen adults in the CPS, 46% live in households with citizen children. (The CPS does not ask about legal status or work authorization.) All references to households in this brief refer to SPM units.

fall into poverty; 240,000 citizen children could fall into deep poverty (below 50% of the SPM poverty threshold). Table 2 below shows the poverty outcomes of the simulation for all children.

Table 2: Poverty effects for all children if mixed status and non-citizen households do not take up SNAP and WIC

	<i>Actual</i>	<i>If mixed status and non-citizen households don't take up SNAP and WIC</i>	<i>Increase in the number of children in poverty</i>
SPM child poverty rate	12.2%	13.2%	670,000
Deep SPM child poverty rate (< 50% of SPM poverty)	2.6%	3.1%	290,000

If eligible households with one or more non-citizens stop participating in SNAP and WIC, the total US child poverty rate could increase from 12.2% to 13.2%; the deep child poverty rate could increase by nearly a quarter, from 2.6% to 3.1%. More than 600,000 children (citizen and noncitizen) could fall into poverty, and nearly 300,000 children could fall into deep poverty.

The estimates in Tables 1 and 2 are an upper bound of the poverty impact of immigrants abandoning food assistance programs because the simulation assumes all non-citizen parents give up non-cash food assistance benefits to which their citizen children are entitled. If we instead assume that only half of the households with one or more non-citizens give up non-cash food assistance, approximately 300,000 children, 240,000 of whom would be citizens, could fall into poverty.

However, our estimates may also under-estimate potential poverty effects. The new public charge definition includes receipt or use of the Children’s Health Insurance Program (CHIP), the Low Income Home Energy Assistance Program (LIHEAP), transportation and housing voucher programs, and refundable tax credits such as the Earned Income Tax Credit (EITC). Given that the proposed changes to the public charge provisions are not limited to food assistance programs, we are likely underestimating the number of children who would be affected by the proposal. In addition, if the proposed changes had a chilling effect on children’s enrollment in school meal programs (not included in the proposed new definition of public charge) or on the enrollment of eligible families in cash assistance programs (already included in the definition of public charge), the poverty effects could be substantially larger.

References

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