

# RESULTS

the power to end poverty

October 2018 RESULTS U.S. Poverty National Webinar

***Protecting Immigrant Families and Making the Most of Election Season***

Login at: <https://results.zoom.us/j/873308801> or dial (929) 436-2866 or (669) 900-6833, Meeting ID: 873 308 801.

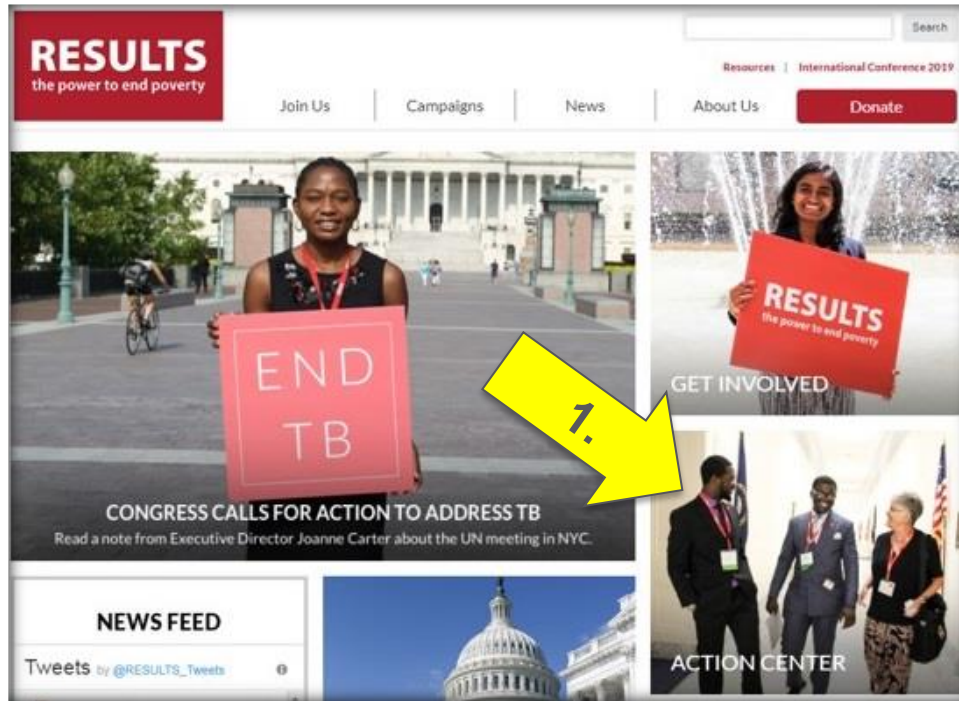
# Welcome from Jos Linn

## Grassroots Manager for U.S. Poverty Campaigns



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# Find the slides on the National Webinars page



1. Click on **Action Center** from the RESULTS Homepage ([www.results.org](http://www.results.org))



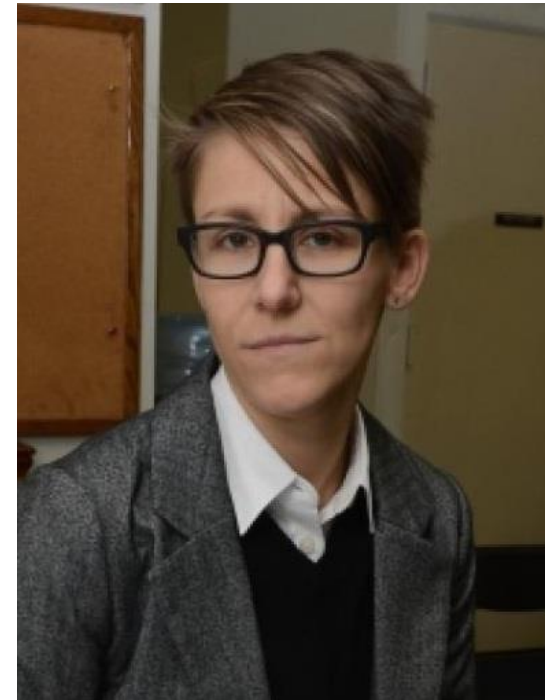
2. On the Action Center page, click on **More Resources**
3. Click on **Webinars**

# Congratulation on a Great Media Month!

- **49 media pieces published since September 1**
  - 44 letters to the editor, 4 op-eds, 1 article
    - 43 letters on SNAP
    - 5 letters on public charge
    - 1 letter on citizen advocacy
- **235 media pieces so far in 2018**
  - 192 letters to the editor, 31 op-eds, 2 editorials, 10 articles/radio/TV
    - 216 on SNAP, 33 on tax policy, 27 on Medicaid, 3 on the racial wealth gap, and 5 on public charge
  - **35 states covered**
    - States we need: Alabama, Alaska, Arkansas, Delaware, Georgia, Hawaii, Louisiana, Mississippi, New Jersey, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Wisconsin

## Guest Speaker: Jackie Vimo

- Policy Analyst for the National Immigration Law Center (<https://www.nilc.org>)
- Has worked for almost two decades on a broad range of public policy issues in California, New York, and Argentina, where her family is from and still lives.
- Prior to NILC, was Director of Advocacy at the New York Immigration Coalition, a statewide umbrella organization for organizations working with immigrants in New York State.
- Has taught at the City College of New York and the New School University; currently teaches graduate courses in immigration policy at Hunter College.



# Protecting Immigrant Families

Working Together to Fight the Administration's Proposed  
Public Charge Rule Changes

ELIZABETH LOWER-BASCH, CENTER FOR LAW AND SOCIAL POLICY

JACKIE VIMO, NATIONAL IMMIGRATION LAW CENTER

DAGMARA AVILAR, Illinois Coalition for Immigrant and Refugee Rights



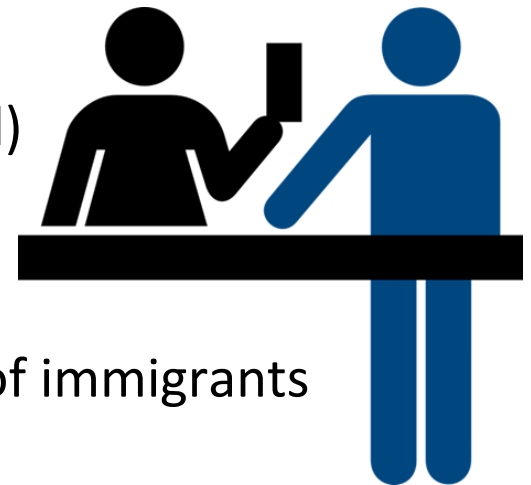
## BACKGROUND: PUBLIC CHARGE

A public charge assessment is made when a person

- **Applies to enter** the U.S.
- **Applies to adjust status** to become a  
Lawful Permanent Resident (LPR, or green card)

A public charge assessment is NOT made when  
applying to become a U.S. citizen.

Public charge does not apply to some categories of immigrants  
(such as refugees).



# TOTALITY OF CIRCUMSTANCES

- By statute, officer must look at applicant's totality of circumstances. This means negative and positive factors are weighed against each other.
- The decision is forward-looking and can't be based only on what happened in the past





## FACTORS IN TOTALITY OF CIRCUMSTANCES TEST

- Age
  - Health
  - Family status
  - Financial status
  - Education and skills
  - Affidavit of support
- An **affidavit of support** is a legally enforceable contract that one signs to accept financial responsibility for another person, usually a relative, who is coming to the U.S. to live permanently.
  - In practice, having a valid affidavit of support has generally been enough to avoid a public charge determination

## BENEFITS: CURRENT POLICY

- Under 1999 guidance, public charge is defined as being “primarily dependent on the government for subsistence”
- Only benefits that can be considered are:
  - Cash assistance for income maintenance
    - (e.g. TANF, SSI, general assistance)
  - Institutionalization for long-term care at government expense
- Has allowed us to give a clear message to immigrants that it's ok to participate in other public programs.

# PUBLIC CHARGE: WHAT'S HAPPENED?

- Threats have been leaked since start of Trump Administration
  - Draft executive order leaked early in 2017
  - Draft rules leaked in February and March 2018
  - Rumors created lots of fear– not all threats mentioned are in NPRM.
- Changes made to Foreign Affairs Manual in January 2018
  - Provides guidance to consular officials making decisions abroad
  - Affidavit of support is not enough on its own and use of non-cash benefits may be considered as part of “totality of circumstances”
  - See: <https://www.nilc.org/wp-content/uploads/2018/02/PIF-FAM-Summary-2018.pdf>
- Text of NPRM released on DHS website Saturday 9/22, 6.30pm EDT.

## NPRM: ATTACKS ON LOW-INCOME FAMILIES

- Broadens concept of public charge to cover families combining work and public help
- Counts food, health and housing programs
- Makes it easier to penalize families under “totality of circumstances” test

## NPRM: CONCEPT OF PUBLIC CHARGE

- Current definition: “primarily dependent on the Government for subsistence.”
- Proposed definition: “Public charge means an alien who receives one or more public benefits, as defined in paragraph (b) of this section.”



## NPRM: PROGRAMS

Adds programs that can be counted

- Supplemental Nutrition Assistance Program (SNAP)
- Non-Emergency Medicaid
- Low-Income Subsidies under Medicare Part D
- Section 8 vouchers and project-based subsidies, and public housing

Cash and long-term institutionalization still counted

## NPRM: VAST OVERREACH



**LIN 3**  
**U.S.-BORN CITIZENS WOULD STRUGGLE  
TO MEET STANDARD OF EXTREME  
TRUMP RULE FOR IMMIGRANTS.**

CENTER ON BUDGET AND POLICY PRIORITIES | CBPP.ORG

- NPRM sets low standard for threshold level of receipt, versus “primarily dependent”
- Expands to programs that supplement earnings for low-income working families
- Fundamentally not what meant by “public charge” when concept was created

## NPRM: Harm to children

- The receipt of public benefits by U.S. citizen children will not directly be a factor in a parents' public charge test. If a child is an immigrant, his/her own use of benefits counts toward his/her own public charge determination.
- Still hurts children, because their health and well-being is inextricably linked to their parents.
- When adults are denied green cards, families are destabilized and sometimes separated.





## NPRM: TOTALITY OF CIRCUMSTANCES

- Adds criteria and evidence for each element under “totality of circumstances” test.
- Net effect is to add lots of negative factors that can be taken into effect, very few positive factors.

### Non-exhaustive list of factors

- Benefit receipt
- Health conditions and insurance
- Age (too old or too young)
- Employment status
- Income under 125 percent of FPL for size of household
- Education and English language proficiency
- Credit score
- Fee waivers for immigration benefits



## NPRM: AFFIDAVIT OF SUPPORT

- Affidavit of support is a positive factor, but not “heavily weighed” or “outcome determinative”
- DHS will assess what weight to give to affidavit based on:
  - Sponsor’s income, assets, resources and financial status
  - Relationship to applicant and whether living together
  - Potential for scrutiny of sponsors, interviews
- Lack of AOS will result in denial based on public charge



## NPRM: NEGATIVE FACTORS

- Heavily weighed negative factors:
  - Not a student, authorized to work, but no current/recent employment, or no “reasonable prospect” of future work
  - Current receipt of public benefits
  - Receipt of public benefits within 36 months of application
    - NOTE: Not retroactive before final rule is effective
  - Diagnosis of medical condition that is “likely to require extensive treatment” or will interfere with ability to work or support self and uninsured without the “prospect of private health insurance”.



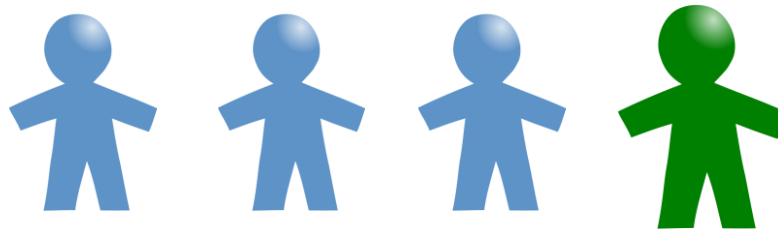
## NPRM: POSITIVE FACTORS

- Heavily weighed positive factors:
  - Non-citizen is currently employed with an annual income of at least 250% of federal poverty level for household size:
    - For family of 4, is nearly \$63,000 in 2018
    - Note: Median household income in U.S. was \$61,400 in 2017
  - Household assets of at least 250% of FPL
- No statutory basis for this threshold.



# IMPACT


- **1 in 4 children** have an immigrant parent



- As many as **26 million** people in families with immigrants might be chilled from participating in programs that make their families healthier and stronger.

## EXAMPLES

**Clara** came from Nicaragua to visit her cousins in the U.S. when she was 16. Soon after arriving, Hurricane Mitch ravaged her hometown and several family members were killed or displaced. She stayed in the U.S. because she had nowhere safe to return, and in 2001, she was granted Temporary Protected Status (TPS). Clara was not able to finish school and worked for many years as a hotel housekeeper. In November 2017, the government announced they would be ending TPS for Nicaraguans. Clara and her partner of many years decided to get married. Clara is pregnant and is enrolled in Medicaid because she lives in Ohio, a state that provides health coverage to lawfully residing pregnant women. Clara's husband wants to sponsor Clara for a green card before her TPS expires in January 2019, but is scared of what that means for her access to health care during her pregnancy.



**Sasha** is a 35-year-old woman from Russia who recently escaped a physically and verbally abusive relationship from her husband who was a green card holder. Sasha has self-petitioned for a green card under the Violence Against Women Act (VAWA). She received a prima facie determination that her case will be approved but knows that the process to obtain a green card through VAWA can take several years. Because Sasha does not speak English very well and is suffering from severe emotional distress, she has not been able to find work since leaving her husband. She recently applied for and began receiving food stamps and Medicaid to help her get back on her feet. Sasha's U.S. Citizen brother petitioned for Sasha's green card back in in 2005. Because of limits to family-based immigration, Sasha has been on the waitlist for 13 years and just found out that she is eligible to adjust status through her brother's petition. Sasha is relieved that she has the option to become a green card holder sooner than she expected.



### Message Must Haves:

- **Start with a shared value:** How you live your life and contribute to your community should define you in this country, not how you look or how much money you have.
- **Explain how Trump's proposed regulation is an affront to those values.** This regulation puts the wealthy ahead of families who've waited years to be reunited.
- **Call for people to speak out and fight back.** People can share their stories and spread the word. And when the time comes, people should send a comment!



## Talking Points on Narrowed Rule

- If finalized this regulation would be a significant and **harmful departure from the current policy**
- **Not helpful to compare the latest rule to the March leaked draft.** This allows the Trump Administration to move the goal posts – normalizing terrible proposals by comparing them with even more terrible ones
- Parent and child well-being health are inextricably linked. Parents who report they are in good health are more likely to have children who are in good health. **There is no way to target individual immigrants without hurting children, families, and communities. Hurting parents hurts children. Hurting families hurts communities.**

## FIGHTING THE CHILLING EFFECT

- Even before the rule is released, we're already hearing stories of people missing doctors' appointments or withdrawing their children from WIC because of fear.
- Important to make sure people understand key points:
  - Many groups of immigrants are not subject to a public charge determination
  - Receipt of benefits that are newly countable prior to the final rule being published and effective will not be held against people.
  - Only the individual's use of benefits will directly be taken into account, not receipt by family members.
  - Only use of listed programs counts, not other programs (e.g. not WIC, Head Start, Pell grants, school lunches, meals on wheels).

# MESSAGING TO FAMILIES

- The rules for immigrants who apply for a green card in the U.S. (who are not processed abroad) **have not changed**. Receipt of non-cash public benefits for which you are eligible currently are not considered when you obtain a green card in the U.S.
- Public charge test considers **totality of the circumstances**.
  - Families need to make *individual determinations*
  - May want to consult lawyer or BIA-accredited representative
  - Using health care and nutrition benefits can help you be stronger and healthier
- For **individuals currently receiving public assistance**, there may be **no advantage to terminating benefits at this time**
- You are not alone, and there is still time to fight back.



# PROPOSED RULE: TIMELINE

1

**March 2018** → Draft rule went to Office of Management and Budget

2

**Sept 22** → Draft rule posted on Dept. of Homeland Security website

3

**Any day** → Proposed rule (NPRM) published in Federal Register

4

**Opportunity for Public Comment** (*60 days likely*)

5

DHS reads comments and responds to them in final rule

6

Effective date of final rule (at least 60 days after published)

## Help us reach our goal of 100,000 comments!

- **Who can comment?**
  - Anyone!
  - Individuals, organizations, community providers
  - Elected officials, including members of Congress
- **How to comment?**
  - Submit comment on Regulations.gov.
  - Through PIF comment microsite -- stay tuned!
- **What to say?**
  - **Templates available soon**
  - [Comment FAQ document](#)
- **When to comment?**
  - Comments must be submitted during the 60-day window



## STRATEGIES TO RESPOND

- **SUBMIT** public comments in opposition
  - Organizational comments
  - Individual comments
- **EDUCATE** immigrant families to fight the chilling effect
- **TALK TO** policymakers to urge them to oppose the changes
- **DOCUMENT** the harm and identify individuals/families who may be willing to share their story publicly

[www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)

## Protecting Immigrant Families Advancing Our Future



[HOME](#) | [FOR MEMBERS](#) | [TAKE ACTION](#) | [RESOURCES](#) | [NEWS](#) | [EVENTS](#)

## PIF CAMPAIGN

- Over 1100 organizations from 46 states signed on to statement of opposition to rule within 2 days after it was posted.
- Over 200 organizations have joined as Active Members
- Sector-based strategy of developing template comments focused on the issues that matter to you most
  - Detailed comments for both slowing DHS' review process and creating the administrative record for future litigation
  - Need both quality and quantity of comments.
- State-based coalitions



## What you can do now

1. Join Us! [www.protectingimmigrantfamilies.org/takeaction](http://www.protectingimmigrantfamilies.org/takeaction)
2. Share your story at <http://bit.ly/PIFstory>
3. Speak up on social media using #ProtectFamilies
4. Sign on to our opposition statement at [bit.ly/PublicChargeRuleSignOn](http://bit.ly/PublicChargeRuleSignOn)
5. Prepare to **FIGHT BACK and COMMENT!**

# WHAT YOU CAN DO: AFTER NPRM IS PUBLISHED



- COMMENT!
- Adapt template comments for your state
- Community Education
  - Develop & share resources w/ partners
  - Engage Newspaper, Radio & TV Media
  - Hold community meetings
  - Use social media
    - #ProtectFamilies

# Questions??



# Protecting Immigrant Families



**Meredith Dodson**  
Director of  
U.S. Poverty Campaigns  
[mdodson@results.org](mailto:mdodson@results.org)

## RESULTS tools:

- [RESULTS Blog post](#) includes other resources.
- [public charge letter to the editor to action](#)
- [press statement](#)
- When the rule is published, weigh in and talk about how this would harm you, your family, community, and institutions that serve all of us by filing your comment via <http://www.ouramericanstory.us/>

## What can Congress do?

- Speak out against the rule with immediate statements, press and social media (use #ProtectFamilies #MyImmigrantStory #OurAmericanStory).
- Submit official comments to DHS to demonstrate overreach by the executive branch and the impact on constituents and specific programs.
- Educate constituents

# 2017 US Census Data

SHOWS THAT



STILL LIVES BELOW THE  
POVERTY LINE

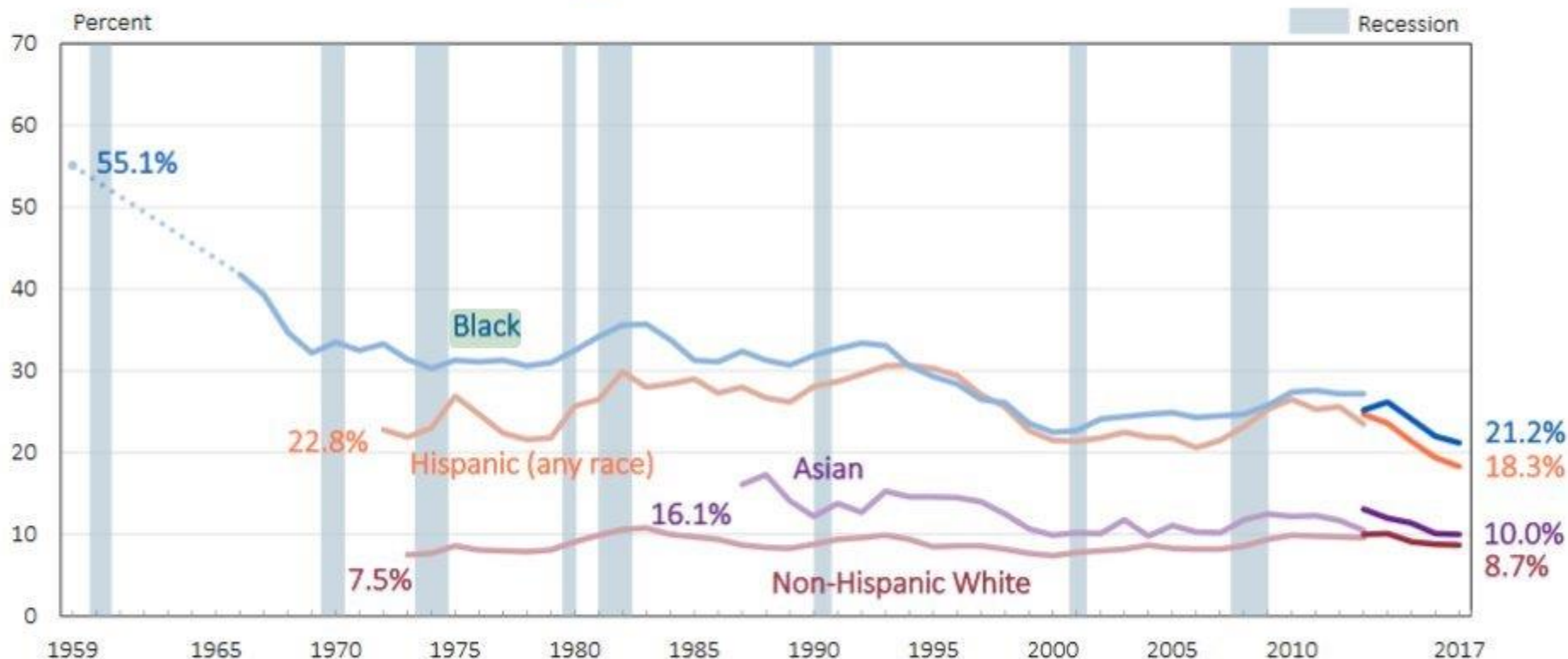
Source: 2017 U.S. Census Data

**RESULTS**  
the power to end poverty

**New  
Census  
Data**

# Poverty: Huge Disparities by Race

## Poverty Rates by Race and Hispanic Origin: 1959 to 2017



# SNAP's Impact

Congress will return to DC during the “Lame Duck” session, will try to reach a deal on the farm bill.

# 2017 US Census Data

SHOWS THAT SNAP (FOOD STAMPS) HELPED



3.4 Million People



MOVE ABOVE THE POVERTY LINE  
LAST YEAR

Source: 2017 U.S. Census Data

# Tell Candidates to Make Ending Poverty a Priority

Make sure that candidates prioritize anti-poverty policies by attending campaign events and raising issues you care about.

Resources:

- our [Action Sheet](#) has short candidate questions
- [slightly longer laser talks](#).
- Personalize questions with stories and local data!
- Tips and more resources:  
[https://www.results.org/issues/2018\\_elections](https://www.results.org/issues/2018_elections)
- Report candidate interactions: [Candidate Engagement Tracker](#)

Also, if you plan to attend a town hall or candidate event, or secure a face-to-face meeting, please contact Meredith Dodson ([mdodson@results.org](mailto:mdodson@results.org)) to get coaching on how best to prepare.



# Be Ready to Talk to Candidates

## Housing and Closing Racial Wealth Divide

*What are your priorities when it comes to increasing access to affordable housing, especially for communities of color? What are your thoughts about bipartisan proposals to establish a Housing Task Force or increase the Low-Income Housing Tax Credit?*

## Protect Immigrant Families

*Will you speak out against proposed regulations that will force immigrant families to choose between health and food or keeping families together?*

## Protect Food Assistance

*Will you support bipartisan proposals that strengthen SNAP and oppose efforts to take food and other basic assistance away from working families?*

## Focus Tax Policy on Working Families

*Will you oppose any tax legislation that increases the federal deficit and threatens programs like Medicaid and SNAP? Instead, will you focus on effective tax policy that helps working Americans, such as expanding the Earned Income Tax Credit?*

## Election Season Action

- Election season is a great time to talk to new people about RESULTS
- People are paying attention
- Election is only the beginning
- Vital work needs to be done after the election
- You and RESULTS provide the formula for success



## Election Season Action Exercise

1. Write down the names of 5 people – who are NOT part of your local RESULTS group – that you know are interested in this year's election. Leave about 2 inches of space under each name.
2. Can you talk to all of them before November 6 (Election Day)? If not, add another name to your list.
3. What is the best way to get in touch with each person to set up a time to talk (phone call, e-mail, text, social media)? Write down the answers under each person's name.
4. When will you reach out to each person to schedule a time to meet in person or talk over the phone? Write down the date by which you'll contact them under each name.

## Election Season Action Exercise (con't)

5. Using this Laser Talk as a guide, how would you phrase for each person you plan to talk to? What things about your RESULTS work do you want to highlight? What things about RESULTS do you think would interest them? Write down your answers under each person's name.

*Elections give us a chance to decide what kind of future we want to see. By voting, we make our voices heard and take a stand on things we care about. But change doesn't happen just because we vote. It doesn't happen just because there are new faces in Congress. It happens because we tell lawmakers what we care about and what we want them to do about it. We make calls, we write letters, and we meet with them. Change happens because we demand it happen.*

*As a volunteer with RESULTS. I am part of a movement of passionate, committed everyday people, using our voices to influence political decisions that will bring an end to poverty. [Include information about your personal RESULTS work] Election day is just the beginning. As an advocate with RESULTS, you can help write the rest of the story.*

*You can do that too. Are you interested?*

# Election Season Action Resources

## October Action:

[https://www.results.org/take\\_action/october\\_2018\\_u.s.\\_poverty\\_action](https://www.results.org/take_action/october_2018_u.s._poverty_action)

- **NEW!** The Action Sheet includes a **sample agenda** for your monthly meetings and an **action to send your local action networks**

## Updated Issue Laser Talks:

[https://www.results.org/take\\_action/summer\\_fall\\_2018\\_u.s.\\_poverty\\_laser\\_talks](https://www.results.org/take_action/summer_fall_2018_u.s._poverty_laser_talks)

**RESULTS Elections page:** [https://www.results.org/issues/2018\\_elections](https://www.results.org/issues/2018_elections)

## RESULTS Staff:

- Meredith Dodson, [mdodson@results.org](mailto:mdodson@results.org)
- Jos Linn, [jlinn@results.org](mailto:jlinn@results.org)

# Grassroots Shares



**Mary Albertson** (left) of RESULTS Detroit with Sen. Debbie Stabenow (D-MI)



**David Plinski** of RESULTS Spearfish, SD



# Join the 2018 Fall Peer-to-Peer Fundraiser

- Raise critical resources this November to end poverty
- *New for the 2018 Virtual Thanksgiving Feast:*
  - Fundraising prizes
  - Updated resources
  - Special announcements
- More information coming soon!

Contact Mea Geizhals with questions or if you plan to join at  
[mgeizhals@results.org](mailto:mgeizhals@results.org) or 202-783-4800 x131

## Announcements

**Join the RESULTS Action Network Community of Practice**, Wednesday, October 3 at 8 pm ET. To join, log in: <https://results.zoom.us/j/427674133> or dial in: 669-900-6833, Meeting ID: 427 674 133.

**We're Repeating our Anti-Oppression Webinar: Call-in/Call-out Training**, Monday, October 15 at 1:00 pm ET. To join, login at: <https://results.zoom.us/j/292298302> or dial (669) 900 6833, Meeting ID: 292 298 302.

**New Advocate Orientations** are October 11 and 17 at 8:30pm ET and Friday, October 26 at 1:00pm ET. Get started [here](#).



## Announcements

**U.S. Poverty Free Agents Calls**, Tuesday, October 16 at 1pm and 8pm ET. To Join via

<https://results.zoom.us/j/324294681> or by phone at (669) 900-6833 or (929) 436-2866, meeting ID: 324 294 681.

**Save the Date for the 2019 RESULTS International Conference!** Please mark your calendars for the 2019 RESULTS International Conference, July 13-16, 2019 at the Grand Hyatt Hotel in Washington, DC. Learn more at [www.resultsconference.org](http://www.resultsconference.org).

Find these and other events on the [RESULTS Events Calendar](#).

Thank you for being on tonight's  
webinar!

The next **U.S. Poverty National  
Webinar is Tuesday, November 13 at  
8:00pm ET.**

*Note that this is a week later than normal so as not  
to conflict with Election Day.*

# FINAL ACTION

## Oppose the New Public Charge Rule!

Speak out against the new public charge rule. Use [our new public charge letter to the editor to action](#) to urge public support to oppose this harsh new rule. Once you get published, please let [Jos Linn](#) know so we can celebrate!

*Be on the lookout for information on how to submit your public comment opposing the rule when it gets published. Plan to urge as many people as you can to submit comments too.*