

A PATH FORWARD

THE WAY FORWARD FOR IMMIGRANT ACCESS TO PUBLIC BENEFIT PROGRAMS

Immigrant and Immigrant Families Team

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What's at Stake?

Immigrants and their families need access to public benefits like Medicaid, the Children's Health Insurance Program (CHIP), and the Supplemental Nutrition Assistance Program (SNAP). To ensure immigrants and their families can access these critical programs, we need more inclusive policies at the federal level and to recognize how anti-immigrant policies and public rhetoric have severely eroded trust in the government and public institutions among immigrant communities. We must not revert to hardline anti-immigrant policies while state and federal advocates and agencies are still rebuilding that trust.

We Must Continue to Address Barriers to Critical Public Benefits

The **public charge rule** is a long-standing rule that states immigrants can be denied a green card or admission into the United States if they are deemed likely to become a “public charge”—or a dependent of the government—in the future. Because federal law already restricts access to public benefits for nearly all immigrants to whom the public charge rule would apply, this rule is meant to dissuade immigrants from claiming access to benefits to which they are entitled by threatening their immigration or green card status.

In 2019, the Trump Administration tried, but ultimately failed, to greatly expand the reach of the policy while being vague about its implementation. When the policy was announced, thousands of immigrants disenrolled from benefit programs, even those who would not have been affected by the Trump rule, due to fear of potentially being denied a green card for themselves or their family members in the future. Immigrants' unwillingness to seek much-needed assistance for fear of immigration consequences is known as the “chilling effect.”

In December 2022, the Biden-Harris Administration reverted to long-established policy to clarify that immigrants should not fear that using most public benefits will harm their immigration status. While the administration's rule was a step in the right direction, studies have shown that most immigrants are still unaware of this change and **more must be done** to reach communities.

This chilling effect continues to harm immigrant families, in spite of progress made in securing protections for these communities. For example, despite facing disproportionate hardships throughout the pandemic, more than **one in four adults** in immigrant families with low incomes reported that they or a family member avoided non-cash benefits such as food and health assistance or other basic needs assistance because of concerns that their immigration status could be jeopardized. Participation in SNAP among U.S. citizen children with immigrant parents dropped by 22.5 percent between 2018 and 2019, which means that **more than 718,000** children went without the food assistance they were eligible for.

In addition to addressing fears related to public charge, the Biden-Harris Administration has also worked to expand access to health coverage for immigrant communities. In May 2024, the administration finalized a rule to **expand health coverage for DACA recipients and immigrant youth** through the Affordable Care Act's (ACA) Marketplace. An estimated 100,000 DACA recipients will benefit from this rule. Administrative support will be critical in reaching out to these newly eligible communities and ensuring they are enrolling in the health coverage they need.



One-Size-Fits-All Immigration Enforcement Will Hurt Families

In addition to establishing which immigrants should be prioritized for deportation, the Department of Homeland Security (DHS) also decides which areas within a community should be free of immigration enforcement activity, places also known as “**protected areas**.” Although the intention of protected areas is to let immigrant families access essential services without fear, the policy has not always been uniformly followed.

During the Trump Administration, DHS made all undocumented immigrants a priority for deportation and did not enforce the protected areas policy. This created a chilling effect that prevented undocumented immigrants and their families from accessing services and going about their everyday lives. Immigrant community members **cite fear of immigration enforcement action** as a reason they avoid using health care services, sending children to school and early childhood programs, accessing victim services, practicing their faith, and undertaking other actions many in this country take for granted.

The Biden-Harris Administration set new deportation priorities and recommitted to a new protected areas policy with the intent of protecting immigrant families from being separated or otherwise harmed by interior immigration enforcement. Additionally, the administration acted to help **support family unity** by allowing undocumented immigrant spouses of U.S. citizens to qualify for parole in place, which would allow them to remain with their families as they apply for permanent residency, as well as streamlining the employment visa process for DACA recipients and other Dreamers.

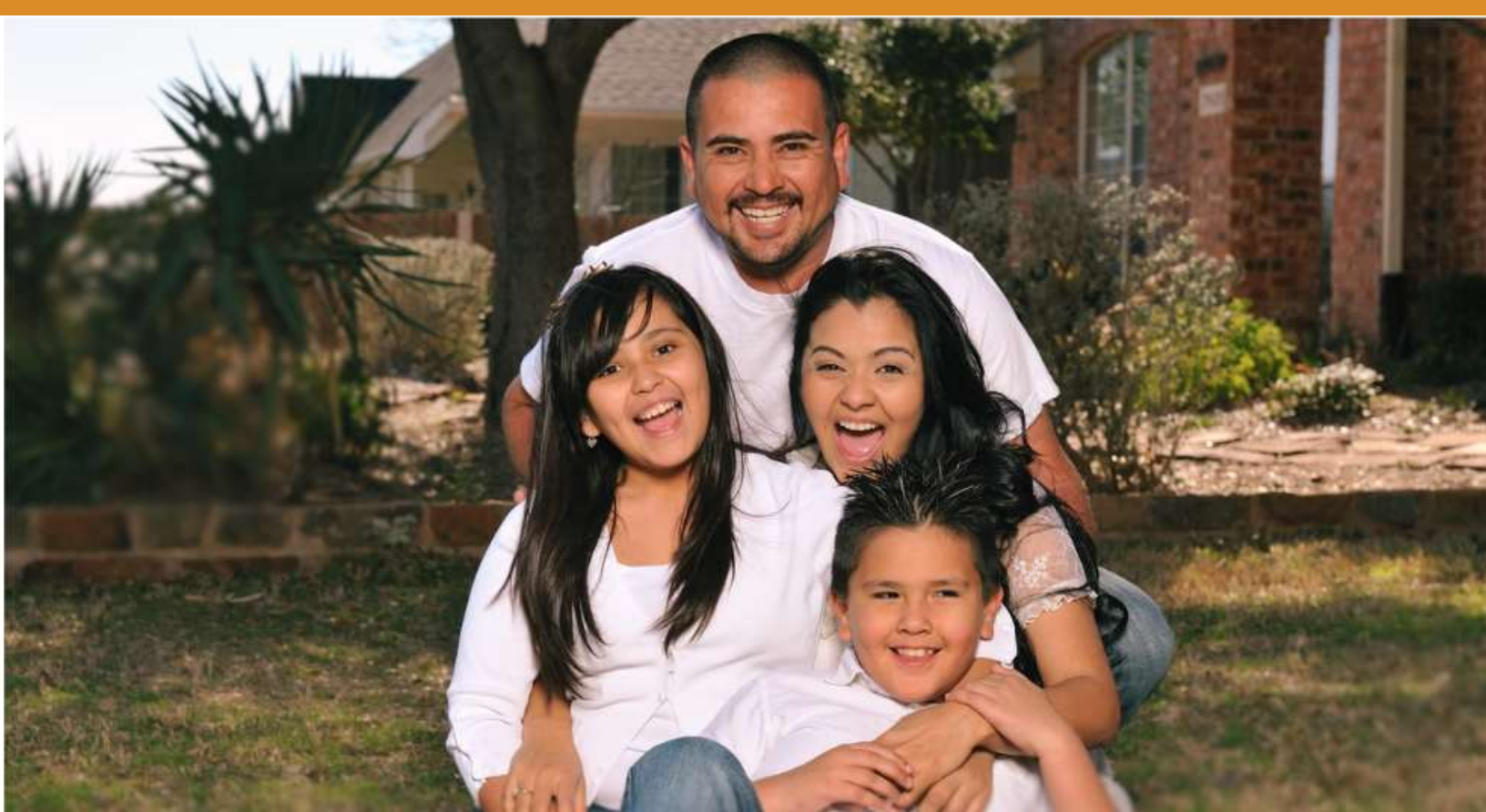
States Need Sustained Federal Support for Inclusive State Policies

States are increasingly using available Medicaid flexibilities to ensure that immigrants have access to health care. These improvements are made possible by a federal administration that supports these state efforts and would be at risk under an administration that is hostile to expanding health coverage for otherwise ineligible immigrants.

As of November 2023, **15 states and the District of Columbia** have expanded health coverage to immigrants beyond what standard federal options allow. While some states have taken the initiative to use state dollars to create new health programs or expand existing state public benefit programs, others have taken advantage of flexibilities from the federal government to cover otherwise ineligible immigrants in federally funded programs. Colorado and Washington have used the Section 1332 State Innovation Waiver under the Affordable Care Act (ACA) to allow undocumented immigrants who are ineligible for health coverage by other means to purchase individual health plans through the state ACA marketplace or a separate state public option plan marketplace.

These state options to expand access to health care protect both immigrant families and the entire health care system. They allow immigrant families to seek preventative medical care and protect hospitals from having to shoulder the costs of uncompensated care when uninsured individuals delay seeking care until it becomes a medical emergency.





The Path Forward

Although these recent changes have signaled a desire to rebuild trust among immigrant communities, it will take time and effort to undo the fear caused by the Trump Administration. These policies must continue to be fully implemented and consistently enforced for immigrant communities to feel safe. At the same time, a key part of rebuilding trust is ensuring that policies supporting immigrants and their families are not rolled back.

In the absence of Congressional action on immigration reform, some states are passing inclusive state policies that give immigrant residents access to critical supports. The federal government can support states by approving waiver applications that eliminate barriers to health coverage for immigrants. Conversely, states that have adopted anti-immigrant positions must face federal oversight that prevents them from shredding the social safety net for everyone, including immigrants.

Past immigrant enforcement measures have used fear as a tactic against immigrant communities (e.g., arbitrarily detaining immigrants in their places of work, schools, and community centers). If we hope to build a more inclusive society and economy, immigrants and their families must be able to rely on due process from their government.