



Legislation Text

File #: Res 31854, Version: 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION rejecting the Federal Administration’s proposed public charge rule change as applied to legal permanent residency applications by immigrants because of the harm to, negative impact on, and chilling effect on immigrant communities’ access to vital services and cost-saving initiatives that keep families healthy and on the path towards economic self-sufficiency and success.

WHEREAS, on October 10, 2018, the U.S. Department of Homeland Security (DHS) published a change to the

“public charge” rule, proposing that when considering an immigrant’s application for legal permanent residency, DHS may consider an applicant’s use, or likely use at any time in the future, of anti-poverty safety net programs that improve access to health care, nutrition, and housing security, as a factor for denying legal status to an immigrant; and

WHEREAS, U.S. Citizenship and Immigration Services currently only evaluates whether potential immigrants

are likely to be a “public charge” when considering green card applications. Current policy evaluates only two types of public benefits in a public charge determination: cash assistance for income maintenance and institutionalization for long-term care at government expense; and

WHEREAS, under the proposed rule change, benefits that could be considered in a public charge determination

would include medical assistance, food stamps (SNAP), federally subsidized public housing or housing vouchers, and Medicare Part D subsidies; and

WHEREAS, the Center on Budget and Policy Priorities estimates that, under the proposed public charge test,

more than 100 million people - about one-third of the total U.S. population - would fail the public-charge determination if they were required to take it today; and

WHEREAS, according to New American Economy, Seattle’s metro area immigrant residents paid \$8.0 billion

in federal and local taxes in 2016 - a significant contribution to funding the very programs the proposed rule would penalize them for accessing; and

WHEREAS, the proposed rule change in the process of consideration for visa or legal permanent residency status would severely discriminate against those with disabilities or chronic health conditions, impacting entire families based on the medical needs of a single family member; and

WHEREAS, the proposed change also includes a “wealth test,” providing preferential treatment for those determined to be in a high-income bracket and also allowing discretionary admission for applications who provide a “public charge bond” of no less than \$10,000 (with the final amount established on a case-by-case basis at the discretion of immigration officers). These provisions compromise the fairness of the immigration process by allowing the wealthy to skip ahead of the many who have been waiting for years, while also opening the door to abuse, corruption, and bias; and

WHEREAS, although the rule does not apply to all immigrants like asylees, refugees, certain nonimmigrant visa holders, and other categories, the chilling effect and confusion in the immigrant community will be large. This chilling effect on enrollment is already causing harm, with individuals asking for disenrollment from health care services or forgoing participation in programs that address food and/or housing security. There is a precedent for this chilling effect; in the years after 1996, when changes to the rules defining immigrant eligibility for benefits were made, fears about public charge exclusions caused enrollment rates of immigrants eligible for benefits to drop by as much as 37 percent; and

WHEREAS, the DHS itself details the tremendous non-monetary damage that could result from the proposed rule, including: “worse health outcomes, including increased prevalence of obesity and malnutrition, especially for pregnant or breastfeeding women, infants, or children, and reduced prescription adherence; increased use of emergency rooms and emergent care as a method of primary health care due to delayed treatment; increased prevalence of communicable diseases, including among members of the U.S. citizen population who are not vaccinated; increases in uncompensated care in which a treatment

or service is not paid for by an insurer or patient; and increased rates of poverty and housing instability; and reduced productivity and educational attainment;” and

WHEREAS, the DHS also recognizes the significant negative economic impact threatened by its proposed rule, explicitly stating that it “may have downstream and upstream impacts on state and local economies, large and small businesses, and individuals,” and describing the risk to a wide range of economic activity from healthcare providers and pharmacies, manufacturers, landlords, grocery retailers, and agricultural producers; and

WHEREAS, this proposed rule change perpetuates stereotypes and biases that are not based in data and would dangerously exacerbate under-enrollment in life-saving and preventative health programs. Mixed status families, U.S.-born children with non-citizen parents, are less likely to receive SNAP or Medicaid compared to non-mixed status families. Nationwide, one million Latinx children, 95 percent of whom are U.S. citizens, are eligible for Medicaid or CHIP but are not enrolled; and

WHEREAS, advocates from the healthcare sector have expressed grave concerns about the negative impacts of this rule on hard fought gains in reducing healthcare access disparities. In Washington State, the uninsured rate declined from 14 percent in 2013 to 5.4 percent in 2016, resulting in a drop of uncompensated care in Washington from \$2.368 billion to \$932 million. Each single percentage-point decline in the uninsured rate is associated with a \$167 million drop in uncompensated care. Under-enrollment would likely reverse this trend via an uptick of uninsured immigrant households and result in an increase in uncompensated care, creating a significant financial threat to many hospitals and supportive services; and

WHEREAS, food and nutrition advocates have expressed concern about the impact on women, infants, and children. If the Women, Infants, and Children (WIC) Food and Nutrition Service is or is perceived to be included in the public charge proposed rule, the positive impacts of WIC would be lost for mothers and their young children. Outcomes of WIC participation - a cost-saving, preventative health strategy -

include healthier, more nutritious diets, increased rates of immunization, 44 percent reduction in rates of low birth rate, lower rates of anemia in children, and children's increased readiness to learn; and

WHEREAS, the impact of the proposed rule change for SNAP enrollment would also include loss of economic activity for local retail businesses where SNAP recipients purchase food. In Washington State, a 20 percent reduction in immigrant households enrolled in SNAP would result in 74,700 families not receiving SNAP benefits. This would translate to \$185.8 million of lost economic activity while spending in health care via Medicaid or Medicare would likely increase by \$104.5 million; and

WHEREAS, Washington State has 3,285 homeless families with children and approximately 14 percent are immigrant families. Participation in rental assistance programs can be the difference between homelessness and having a safe, warm place to live. Children experiencing homelessness have disparate health and academic impacts; they are twice as likely to suffer from respiratory infections, at three times the risk of being hospitalized for asthma and are almost twice as likely to disengage from education and work opportunities. Access to rental assistance, therefore, can prevent the significant health and educational impacts associated with homelessness, and supporting young people to obtain their high school diplomas is one of the strongest protective factors against adult homelessness; and

WHEREAS, the proposed public charge rule would also likely negatively impact the overall enrollment in health care services, access to energy assistance programs, public assistance income, supplemental security income, Pell Grants for postsecondary students, and participation in free and reduced lunch programs for K-12 students; and

WHEREAS, this proposed rule change represents yet another attempt by the Trump Administration to radically reshape the American legal immigration system, redefine who is "worthy" of being an American, and echoes America's history of arbitrary, race-based immigration policies that profoundly alter what America looks like as a country; and

WHEREAS, any policy that forces millions of families to forgo using critical public services for fear of

harming their immigration status, or that punishes families for having used public benefits, is nothing short of cruel and in direct contrast to the stated goals of Seattle-King County Public Health, which “works to protect and improve the health and well-being of all people in King County as measured by increasing the number of healthy years that people live and eliminating health disparities”; and

WHEREAS, a national effort under the Protecting Immigrant Families Campaign has mobilized thousands of individuals across the country to stand against the proposed cruelty of the public charge rule change; and

WHEREAS, The City of Seattle commends the leadership of Protecting Immigrant Families - Washington Coalition members Asian Counseling and Referral Service, Children’s Alliance, Columbia Legal Services, Entre Hermanos, Latinos Promoting Good Health, MomsRising, Northwest Health Law Advocates, and OneAmerica for their work to connect, educate, and mobilize Washington State families on the proposed rule change; and

WHEREAS, as a Welcoming City, Seattle must continue to stand against national policies and rules that target the health and safety of our immigrant neighbors and communities, regardless of status; and

WHEREAS, the DHS will accept public comments on the proposed public charge rule change until December 10, 2018; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The City of Seattle supports the efforts of local and national leaders and local government that call on the federal government to abandon the Department of Homeland Security’s October 10, 2018 proposed rule that will cause harm to every community across the country.

Section 2. The City of Seattle reaffirms its commitment and support to the immigrant community. The City will continue to provide vital City services to Seattle residents, regardless of citizenship status, that help build strong, healthy, ready-to-learn individuals.

Section 3. The City of Seattle will continue to work with local and national partners to help dispel myths and anxiety as well as educate the public about what the proposed public charge rule change means and how to engage in submitting a public comment.

Section 4. The City Council will consider, consistent with Council Rules, submitting a joint public comment on the proposed public charge rule on or before December 10, 2018, and will request the Office of Intergovernmental Relations to transmit the City Council’s public testimony to the U.S. Department of Homeland Security and any other relevant federal agency.

Section 5. The City of Seattle encourages all residents to contact and thank Senators Maria Cantwell and Patty Murray, and Representatives Pramila Jayapal and Adam Smith for speaking out against the proposed rule change and acting in the interest and protection of their constituents.

Adopted by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its adoption this _____ day of _____, 2018.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2018.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)