



“Chilling Effects” of the Proposed Public-Charge Rule in Marin County, CA

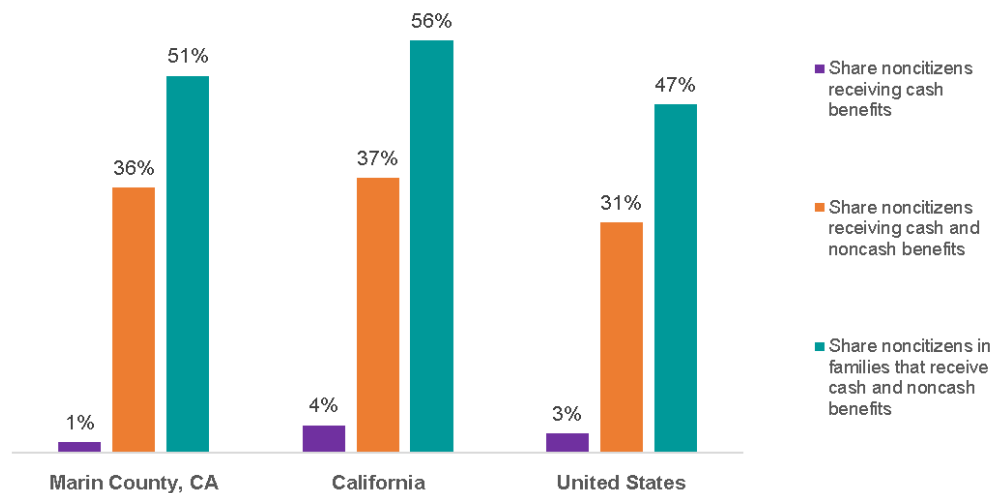
By Jeanne Batalova and Michael Fix
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On October 10, 2018, the Trump administration published a proposed rule affecting lawfully present immigrants who use certain health, nutrition, and social benefits, making it more difficult to get a green card or renew a temporary visa. The experience of the 1990s immigration and welfare reforms suggests that many immigrants could be “chilled” from using public benefits due to fear or confusion. The “chilling effects” are also likely to extend beyond immigrants themselves to their relatives, including U.S.-citizen children, if families decide to disenroll from, or not apply for, benefits and services.

The Migration Policy Institute (MPI) analyzed U.S. Census Bureau data¹ to estimate the universe of people who may experience these chilling effects² who reside in Marin County.

The analysis finds that 51 percent of noncitizens³ in Marin County lived in families that use at least one of the four means-tested benefits that could be considered in a public-charge determination—up from 1 percent under the current policy (see Figure 1).

Figure 1. Share of Noncitizens Whose Benefits Use Could Be Considered in a Public-Charge Determination, (%), 2014-16



Source: Migration Policy Institute (MPI) tabulation of U.S. Census Bureau pooled 2014–16 American Community Survey (ACS) data.

¹ Migration Policy Institute (MPI) analyzed the most recently available American Community Survey (ACS). Three years of data (2014, 2015, 2016) were pooled to produce accurate estimates.

² These estimates are based on family members’ use of any of the four benefits listed in the proposed rule. Two are noncash benefits: Medicaid/CHIP and Supplemental Nutrition Assistance Program (SNAP, formerly food stamps); Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF)/General Assistance (GA) are cash benefits. The rule lists other benefits (e.g., housing assistance) that could not be modeled in ACS data. Thus, these estimates may understate the size of the potentially affected population.

³ Noncitizens are persons with no U.S. citizenship at the time of the survey and include green-card holders, refugees and asylees, certain legal nonimmigrants (e.g., those on student, work, or other temporary visa), and persons residing in the country without authorization.

Unlike the current policy,⁴ the proposed rule would consider the use of both cash and noncash benefits in a public-charge determination. More than 8,800 noncitizens participated in one or more of the four major means-tested cash and noncash benefits programs in Marin County (see Table 1).

Table 1. Noncitizens Who Could Be Affected under Proposed Public-Charge Rule: United States, California, and Marin County, 2014-16

	Total	Noncitizens Receiving Cash Benefits		Noncitizens Receiving Cash and Noncash Benefits		Noncitizens in Families Receiving Cash and Noncash Benefits*	
		Number	Share (%)	Number	Share (%)	Number	Share (%)
United States	21,909,800	588,500	3%	6,840,500	31%	10,336,300	47%
California	5,251,400	198,500	4%	1,952,300	37%	2,931,400	56%
Marin County, CA	24,600	-	1%	8,800	36%	12,600	51%
<i>In Marin County</i>							
AAPI noncitizens	3,500	-	-	-	28%	-	42%
Hispanic noncitizens	15,200	-	2%	7,500	49%	10,400	69%

* Refers to noncitizen adults and children in families where one or more members receive at least one of the four means-tested public benefits analyzed.

Note: AAPI = Asian American/Pacific Islander.

Source: MPI tabulation of U.S. Census Bureau pooled 2014–16 ACS data.

More than 12,600 noncitizen adults and children lived in families in which at least one person received either cash or noncash benefits during the period analyzed. When their family members, including 8,300 U.S.-citizen children, are added, the number rises to 23,200. This is the broad universe of adults and children in immigrant families in Marin County who could potentially experience chilling effects (see Table 2).

The impact of the expected rule would be felt most heavily in the Hispanic immigrant community. Approximately 19,500 people, including 7,400 U.S.-citizen children, in Marin County lived in benefit-receiving families with at least one Hispanic noncitizen (see Table 2).

Table 2. Noncitizens and Relatives in Benefit-Receiving Families:* United States, California, and Marin County, 2014-16

	Noncitizen Adults and Children	U.S.-Citizen Children	U.S.-Citizen Adults	Total Family Members
United States	10,336,300	7,633,200	4,697,500	22,666,900
California	2,931,400	2,146,000	1,582,500	6,660,000
Marin County, CA	12,600	8,300	2,400	23,200
<i>In Marin County</i>				
Hispanics**	10,400	7,400	1,600	19,500

* Refers to individuals in families where one or more members receive at least one of the four means-tested public benefits.

** Refers to benefit-receiving families with at least one Hispanic noncitizen.

Source: MPI tabulation of U.S. Census Bureau pooled 2014–16 ACS data.

⁴ Under current policy, noncitizens can also be denied admission or adjustment of status if the U.S. government determines they are likely to become a “public charge,” that is, that they *depend* or are likely to become dependent on public cash assistance or long-term institutional care funded by the government.

Public benefit-use levels for immigrants and the U.S. born alike are largely driven by use of SNAP and Medicaid/CHIP—benefits that are often viewed as work supports (see Table 3).

Table 3. Noncitizens in Benefit-Receiving Families* in Marin County, by Type of Benefit and Race and Ethnicity, 2014-16

	Total	Hispanics**
All noncitizens	24,600	15,200
Noncitizens in benefit-receiving families	12,600	10,400
By benefit type		
<i>Estimate</i>		
Public cash assistance or welfare	-	-
Supplemental Security Income	-	-
SNAP (food stamps)	2,900	-
Medicaid/CHIP	11,800	9,800
<i>As a percentage of all noncitizens</i>		
Public cash assistance or welfare	2%	4%
Supplemental Security Income	1%	1%
SNAP (food stamps)	12%	16%
Medicaid/CHIP	48%	65%

* Refers to individuals in families where one or more members receive at least one of the four means-tested public benefits.

** Refers to benefit-receiving families with at least one Hispanic noncitizen.

Source: MPI tabulation of U.S. Census Bureau pooled 2014–16 ACS data.

In Marin County, 73 percent of noncitizens in benefit-receiving families were employed (see Table 4).

Table 4. Employed Noncitizens in Benefit-Receiving Families* in Marin County, by Race and Ethnicity, 2014-16

	Total	Hispanics**
Noncitizens ages 16-64 in benefit-receiving families	10,900	9,300
Workers ages 16-64	8,000	6,900
As a percentage of noncitizens	73%	74%

* Refers to individuals in families where one or more members receive at least one of the four means-tested public benefits.

** Refers to benefit-receiving families with at least one Hispanic noncitizen.

Source: MPI tabulation of U.S. Census Bureau pooled 2014–16 ACS data.

By significantly expanding the factors considered in assessing applications from prospective immigrants to the United States as well as those already present who are seeking a green card or visa extension, the proposed rule would also give federal officials in the Departments of Homeland Security and State broad discretion to deny a much larger share of such applications.⁵

⁵ Jeanne Batalova, Michael Fix, and Mark Greenberg, "Through the Back Door: Remaking the Immigration System via the Expected "Public-Charge" Rule," MPI commentary, August 2018, www.migrationpolicy.org/news/through-back-door-remaking-immigration-system-expected-public-charge-rule.

One key positive factor listed in the proposed rule is income: specifically having an income of at least 250 percent of the federal poverty line (FPL) (about \$63,000 for a family of four in 2017).⁶

In Marin County, 50 percent of recently arrived⁷ noncitizens had incomes that met the 250 percent standard. Eighty-one percent of U.S.-born persons residing in the county would meet the standard.

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⁶ Kayla Fontenot, Jessica Semega, and Melissa Kollar, *Income and Poverty in the United States: 2017* (Washington, DC: U.S. Government Printing Office, 2018), www.census.gov/content/dam/Census/library/publications/2018/demo/p60-263.pdf

⁷ Recently arrived noncitizens are persons who came to the United States in the five years prior to the survey.