

Serving Immigrant
Communities Under the
Cloud of Immigration
Enforcement

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Who We Are

National Immigration Law Center (NILC)

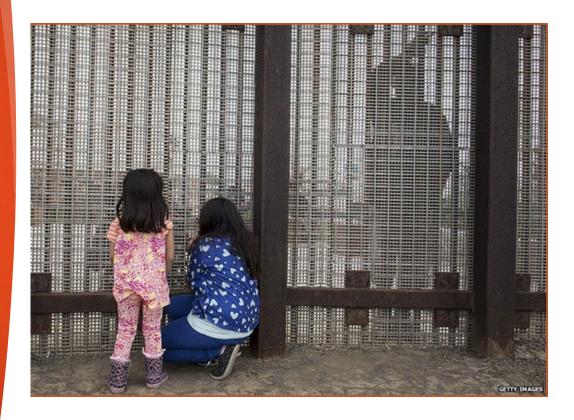
- Our mission is to defend & advance the rights & opportunities of low-income immigrants and their family members.
- We combine policy advocacy, litigation and strategic communications to protect immigrants' legal and constitutional rights and to advance their access to health care, education and economic opportunity.



Disclaimers

- ► Things are changing fast!
- ► There are a lot of unknowns.
- ▶ We are sharing the information we have at this time.
- ► We are providing general information and not legal advice.
 - ► Consult with an attorney who can advise your organization.

Community Concerns



The Current Environment

- Many of the Administration's decisions and Executive Orders are hostile to immigrant communities
- Implications
 - Chilling effect in accessing healthcare and other services
 - People are afraid to come to appointments
 - People asking to be dis-enrolled from WIC, Medicaid, and other programs

Interior Enforcement Order



Creates new enforcement priorities:

- entered US w/o documents
- have an order of removal
- charged with a criminal offense or committed acts that constitute a chargeable offense
- who have abused any program related to receipt of public benefits
 - knowingly defrauded the government or a public benefit system

So broad there are no priorities – indiscriminate enforcement







- ► The number of immigration arrests has increased
 - Arrests in 2017 increased almost 40% over 2016
 - Arrests of people with no criminal history up about 300%
- ► ICE is engaging in the following enforcement practices:
 - Going to homes and workplaces to arrest people
 - Making "collateral" arrests ICE is arresting people who happen to be in a place where ICE is looking for someone else).

Limits to enforcement: in 'sensitive locations'

- ► Enforcement at or near 'sensitive locations' violates policy
 - schools and other educational institutions
 - hospitals and other health facilities
 - places of worship
 - the site of a funeral, wedding, or other public religious ceremony; and
 - a site during the occurrence of a public demonstration, such as a march, rally or parade.
 - not included: other social services, courts
- Exceptions: exigent circumstances, prior supervisory approval

Eligibility and Access to Care



Eligibility

- Have the rules about immigrants' eligibility for benefits in California changed?
 - ► Kids under 19 are eligible for full-scope Medi-Cal regardless of their immigration status

► <u>Table</u> California Benefits Eligibility Table



Changes in status - DACA

- Decision to end program announced September 5th
- ▶ Recipients with DACA expiring before March 5th given ability to renew by October 5th
 - ► <u>UC Regents v DHS</u> renewals temporarily reopened
- ► Two year grants of DACA are expiring on a rolling basis
- ► All grants of DACA will expire if Congress doesn't act

Changes in Status - TPS

- ► Temporary Protected Status may be granted to people who are in the US when an event occurs in their home country that makes it unsafe to return.
- ► TPS is granted for a specific time period (6-18 months) and can be renewed by Homeland Security (DHS) at its discretion.
 - ▶ TPS for Nicaraguans will terminate on January 5, 2019
 - ▶ TPS for Haitians will terminate on July 22, 2019.
 - ► TPS for Salvadorans will terminate September 9, 2019.



Access to Health Care

- ▶ DACA recipients are eligible for full-scope Medi-Cal as PRUCOL
 - ► Former DACA recipients may be eligible for Medi-Cal under the last PRUCOL category.
 - DACA recipients were never eligible to buy Covered California plans
- People with TPS are eligible for Covered California, and may be eligible for Medi-Cal under the last PRUCOL category.
- ▶ People who lose TPS are no longer be eligible for Covered California, but may be eligible for Medi-Cal under the last PRUCOL category.
- ▶ People who lose coverage get a 60-day SEP to buy coverage on the open market

What's Next? Public Charge

- ► A <u>Public Charge</u> is a person primarily dependent on the government for support, as shown by receipt of:
 - Cash assistance for income maintenance
 - ► Institutionalization for long-term care at government expense
- Ground of inadmissibility: likelihood is assessed when applying to enter country or become a lawful permanent resident
 - ► Many categories of immigrants are exempt

Public Charge

- Whether a person is likely to become a public charge is based on all relevant facts
- ► INS/USCIS guidance provides that only two public benefits can be considered in a public charge assessment:
 - cash assistance for income maintenance and
 - institutionalization for long term care at government expense

Proposed changes to Public Charge

- ► <u>USCIS has indicated</u> that it intends to release a Notice Of Proposed Rulemaking that would authorize agents to consider all means-tested benefits in the public charge test
- Statutory factors that cannot be changed by regulation:
 - When public charge is assessed
 - All relevant factors must be considered
 - Categories of immigrants who are exempt

Protecting Immigrant Families Campaign

- Protecting Immigrant Families, Advancing Our Future Campaign
- Focus: defending and protecting access to health care, nutrition assistance, and other supports for low-income immigrants and their families
 - Co-chaired by NILC and CLASP
 - Steering committee includes state-based immigrants' rights orgs, national health consumer, anti-hunger and health care provider orgs
- Sign up at this link

NILC Toolkit

- ▶ After the 2016 election, providers reached out to NILC, asking how to make immigrant families feel safe and keep them accessing care
 - ► These requests led to the development of NILC's Health Care Toolkit healthtoolkit.nilc.org



Resources

www.nilc.org

- Frequently Asked Questions About DACA Termination
- Executive Orders and Access to Public Benefit Programs
- Unpacking the References to Public Benefits and the Privacy Act in Trump's Executive Order on Interior Enforcement