



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

Enforcement in Practice



- ▶ 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
- ▶ Table 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
 - ▶ UC Regents v DHS – 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 Public Charge 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

- ▶ USCIS has indicated 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



Health Care
Toolkits

Welcome Know Your Rights as a Provider Know Your Patients' Rights
Creating Safe Spaces Other Resources DONATE

EMERGENCY

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](#)