



# THE DANGEROUS CHILLING EFFECT OF THE PROPOSED PUBLIC CHARGE RULE

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## STATUS OF THE RULE (as of February 2019)

The rule was published in the federal register for public comment on Oct. 10, 2018. The 60-day comment period ended on Dec. 10, 2018. Over 215,000 comments were submitted and are now being reviewed and considered by the U.S. Department of Homeland Security. Generally, in the notice and comment process, it takes at least six months and even up to one year for an agency to review and respond to comments on a rule this complicated. It is possible, however, that the final rule could be published more quickly, or, although less likely to happen, the rule could be rescinded.

During this review period, it is important for communities to combat the “chilling effect” and help answer any questions that immigrants have regarding accessing public benefits that they and their children need to stay healthy and safe.

A drastic change in the public charge rule proposed by the U.S. Department of Homeland Security would substantially restrict access to green cards and various types of visas for immigrants who are not already relatively well-off financially. This proposed rule fundamentally changes our nation’s approach to immigration, making family income and potential use of healthcare, nutrition or housing programs a central consideration in whether to offer people an opportunity to make their lives in this country. The proposed rule takes an existing standard and makes it vastly more restrictive. **It could drastically impact the health and well-being of children in families in Michigan and throughout the country.**

The direct effect of the rule change would fall on people applying for a green card or certain visas, but the “chilling effect” would be vastly greater. In the legal world, “chilling effect” refers to the suppression of rights through the use of fear tactics. Many families, even people who would already have a green card, or who are exempt from the rule, such as refugees and asylees, are expected to be frightened and confused by the rule.

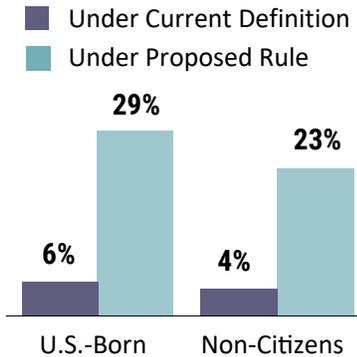
- Researchers from the Fiscal Policy Institute and the Center on Budget and Policy Priorities estimate that the chilling effect would extend to 283,000 people in Michigan. Of these, 114,000 are children. These are people in families with at least one non-citizen member, and who are receiving one of the named benefit programs. In both cases, the large majority of the impacted individual in the proposed public charge rule are U.S. citizens.<sup>1</sup>

WHO COULD FEEL A CHILLING EFFECT?

283,000 Michiganders including 114,000 children

1. Analysis by Danilo Trisi, Senior Research Analyst, Center on Budget and Policy Priorities and David Dyssegaard Kallick, Fiscal Policy Institute.

Nearly 30% of U.S.-born residents would not meet the criteria set forth in the rule



Source: Fiscal Policy Institute

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- The rule will not apply to all non-citizens, but to illustrate how extreme it is, researchers modeled what would happen if the proposed rule were to be applied to everyone. **It turns out that in Michigan, 23% of non-citizens and 29% of U.S.-born residents would struggle to meet the criteria set forth by the proposed rule to determine whether people can get a green card.**

### Economic Impact: A Loss to Michigan

- Only some of the people experiencing the chilling effects would go so far as to disenroll from programs they are otherwise qualified to receive. Researchers have modeled three scenarios: If 15%, 25%, and 35% of those experiencing the chilling effect would disenroll.
- Using the middle-range scenario, Michigan could expect a \$153 million reduction in federal funds that support families, and on top of that the negative ripple effects through the economy could be up to \$292 million as hospitals and doctors' offices see reduced revenues and as people buy less in supermarkets and other stores.
- Further, when businesses have less revenue, they lay off workers. Under a middle-range estimate, Michigan stands to lose almost 2,000 jobs as a result of reduced federal funding coming to the state.

Economic Loss to State				
	Simulated Impact of Proposed Rule	Lower Estimate 15% disenrollment	Middle Estimate 25% disenrollment	Higher Estimate 35% disenrollment
	Loss of Federal Funds to Michigan	\$92 million	\$153 million	\$214 million
	Potential Economic Ripple Effects (Loss to grocery stores, doctors' offices, hospitals, etc.)	\$175 million	\$292 million	\$409 million
	Potential Jobs Lost	1,190	1,990	2,780

Source: Fiscal Policy Institute

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### The Stakes Are Unbearably High

The proposed public charge rule pushes parents to make heart-wrenching decisions for their families. As a parent, if you apply for food assistance through SNAP or Medicaid, you may fear losing the chance to stay in this country with your kids. **Yet, not applying may mean seeing your family go hungry or not being able to see a doctor when you are sick.**

If the public charge change is put into effect, advocates and service providers will need to work strenuously to clarify which individuals may be directly impacted and which may be relatively safe. **But confusion and fear will undoubtedly spread well beyond the directly targeted population.**