



NATIONAL WIC ASSOCIATION TALKING POINTS ON PUBLIC CHARGE

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On September 22, the U.S. Department of Homeland Security (DHS) [published](#) its long-rumored proposed rule on public charge. For over a year, DHS indicated that it intends to expand public charge to punish immigrants who access public benefit programs. Prior leaked drafts have explicitly listed an immigrant family's use (including a US citizen child's use) of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as a "negatively weighted factor" to be considered when granting a visa, green card, or legal permanent residency. The September 2018 draft includes SNAP and Medicaid within public charge review. It **does not** include WIC, **but** DHS actively solicits comments on whether programs not included in the rule should be considered in public charge review and there is a risk that WIC will be included in the final rule. As the public comment period begins, the National WIC Association (NWA) recommends the following talking points:

- **THE PROPOSED RULE HAS INSTIGATED A PUBLIC HEALTH CRISIS BY FORCING IMMIGRANTS TO CHOOSE BETWEEN FEEDING THEIR CHILDREN AND THE LONG-TERM SECURITY OF THEIR FAMILY.** Over the past year, WIC families were torn by this impossible choice. Many chose to decline access to WIC in order to preserve their legal status within the country.
- **THE PROPOSED RULE WILL SPECIFICALLY HARM CHILDREN, AS FAMILIES WILL LOSE ACCESS TO PROGRAMS THAT PUT FOOD ON THE TABLE, ENSURE HEALTHY PARENTS, AND PUT A ROOF OVER THE CHILD'S HEAD.** The proposed rule punishes immigrants for accessing SNAP, Medicaid, and housing assistance. These programs serve the holistic needs of the family, and the failure of the parent to access these benefits will have a marked impact on children.
- **PREGNANT AND BREASTFEEDING WOMEN WILL LOSE ACCESS TO HEALTHCARE.** The proposed rule perniciously includes Medicaid, a program that provides health coverage for low-income women, including pregnant and breastfeeding moms. Over 70% of WIC moms access Medicaid, and the two programs work in tandem to ensure healthy pregnancies and birth outcomes.
- **DHS IS ACTIVELY SOLICITING PUBLIC COMMENT ON WHETHER ADDITIONAL PROGRAMS – SUCH AS WIC – SHOULD BE INCLUDED IN THE FINAL RULE.** The WIC community must continue to speak out during the public comment period to ensure that WIC's nutrition services and breastfeeding support are not included in public charge review.
- **THE PROPOSED RULE CIRCUMVENTS CONGRESS BY DENYING IMMIGRANTS ACCESS TO PUBLIC HEALTH AND NUTRITION PROGRAMS THAT THEY ARE LEGALLY PERMITTED TO USE.** In the 1990's, Congress deliberately rejected this broad interpretation of public charge, resulting in a consensus that public charge should only be considered for income maintenance (TANF, SSI, etc.) or long-term care. The proposed rule would upend decades of immigration policy and the carefully considered 1996 welfare reforms.
- **THE CHILLING EFFECT OF THE LAST SEVERAL MONTHS IS JUST A PRECURSOR TO WORSE HEALTH OUTCOMES.** Ever since the first leaked draft in January 2017, WIC clinics have

reported that clients have cancelled appointments and requested that their personal information be deleted from WIC's files. *Some clients have even attempted to return food benefits and breast pumps.* This chilling effect will continue in affected programs, as families will now turn away SNAP's food benefit or health services offered under Medicaid.

- **EARLY AND TARGETED NUTRITION INTERVENTION LEADS TO COST-SAVINGS IN THE FUTURE.** WIC complements efforts by SNAP and Medicaid to ensure healthy pregnancies, positive birth outcomes, and early child development. As families lose access to these programs, children will lose access to preventative health measures that can mitigate significant health conditions or poor health indicators in later life. Our nation – and government – will see increased emergency room costs and healthcare expenditures in later years as a result of this policy.
- **WIC WILL REACH FEWER FAMILIES IF MEDICAID AND SNAP ARE INCLUDED IN PUBLIC CHARGE.** Medicaid and SNAP recipients are adjunctively eligible for WIC and there is substantial overlap between the populations served by these programs. Those that are not discouraged from reaching out to WIC will now face increased administrative burdens in applying for and obtaining WIC services.
- **CHARITABLE ORGANIZATIONS ARE UNPREPARED AND ILL EQUIPPED TO FILL THE GAP WHEN POPULATIONS ARE DENIED ACCESS TO FEDERAL PROGRAMS.** Many charitable organizations, such as food banks and churches, are already operating at capacity. Despite their good intentions, these organizations also lack the expertise to provide other services, especially the medical services offered to pregnant women and breastfeeding moms through Medicaid.

It is important to keep the following points in mind:

- The proposed rule does not have legal effect until the rulemaking process is complete, after a public comment period and agency review.
- The proposed rule is an attempt to target families that have lawfully immigrated to the US, including US citizen children. This proposed rule is *not* aimed at undocumented immigrants.
- Certain classes of humanitarian immigrants – such as refugees, asylees, and VAWA self-petitioners – are not subject to public charge determinations. These immigrants are expressly exempted from the proposed rule.
- Public charge determinations do not take place during naturalization proceedings – the final step before an immigrant becomes a US citizen. However, changes to public charge will have a huge impact on the “pipeline” as immigrants move through the legal immigration process.

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