



National WIC Association

Public Charge Updates from the National WIC Association

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Overview

- What is Public Charge?
- What has the Administration done on public charge?
- What happened on February 8, 2018?
- What are immigrant families hearing?
- What has the National WIC Association done?
- What are main takeaways?
- What are next steps?

Last month

*A client came in and identified as a DACA recipient. She was unable to renew her permit, and she did not want any government program to link back to her. Even though clinic staff advised her that WIC does not collect immigration status and does not share information with immigration authorities, she was advised by other members of her community not to accept any assistance from federal programs. **She said she was very sorry and returned her Symphony breast pump.***

What is public charge?

- Public charge is an immigration law concept used in *admissibility* and *deportation* review
- *Admissibility* is a determination as to whether an immigrant should be granted legal status in the country (i.e., granted a visa, granted a green card, etc.)
- *Deportation* is when the government orders an immigrant to leave the country because they lack legal grounds to remain

What is public charge?

- Public charge determinations rule that an immigrant is *inadmissible* if that immigrant is likely to use public resources
- Historically, this determination is limited to cash assistance (i.e., TANF) or long-term care in an institutional setting under Medicaid
- Safety net programs like WIC have ***never*** been considered in public charge determinations before

What has the Administration done?

- January 2017: Leaked executive order
 - Safety net program inclusion in public charge definition
 - Sponsor payments
 - No explicit mention of WIC
- Chilling effect of the leaked executive order and hostile immigration rhetoric/ICE actions
- Administration proposals to limit family-based immigration

What happened on February 8th?

- Leaked draft of a Notice of Proposed Rulemaking (NPRM)
 - ***Not*** a proposed rule, ***no legal effect***
- Explicitly includes WIC, other programs in public charge determinations
 - No sponsor payments
 - Can consider use of WIC by immigrant or dependent family members (incl. US citizen child)
- Use of WIC by an immigrant is a “heavily weighted negative factor” but **not retroactive**

Is this good?

NO

... but it's not yet law.

What are immigrant families hearing?

- In hostile environment, immigrants are exercising caution and distrustful of government programs
- In-language media is reporting that use of WIC, SNAP, Head Start, etc. can make it impossible to obtain a green card
- Immigration lawyers are urging caution and encouraging participants to both dis-enroll from WIC and eliminate all records of prior receipt of benefits

Last week

A Spanish-speaking mom with one child in WIC came in and requested to cancel her WIC checks. She had learned from Telemundo that WIC is a public charge program and no longer wanted to receive services.

A Korean-speaking pregnant woman brought in a Korean-language news article titled “If You Receive Food Stamps, You Won’t Get Your Residency,” with a subtitle that explicitly includes WIC. She is on a working visa and is fearful that she won’t be able to receive a green card as a result of her WIC benefits.

What has the National WIC Association done?

- Talking points to state/local agencies; FAQ document available for participants
 - Spanish translation is forthcoming
- Working with coalition partners to oppose rule when it is formally proposed, will submit regulatory comments
- Alerting press/policymakers to the gravity of the situation
- Collecting stories – please send to Brian Dittmeier at bdittmeier@nwica.org

What are the takeaways?

- **NOTHING HAS CHANGED!**
- Rulemaking process will take months
- Proposed rule does not apply to all immigrants, would not be retroactive
- WIC does not share personal information with immigration authorities
- WIC is more readily available to immigrants than other nutrition programs (like SNAP).
Lawyers may not be aware of this!

Next steps?

- Rulemaking process expected in July 2018, should take several months
 - Notice-and-comment
 - Agency review and issuance of *final rule*
- Status of WIC in final rule is unclear, but YOU can make a difference:
 - Submit stories to bdittmeier@nwica.org
 - Prepare regulatory comments, NWA will let you know when you can submit



Questions?