

# CLASP

Policy solutions that work for low-income people

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## Immigration Policy is a Children's Issue

Arizona Head Start Association

May 2019 | Phoenix, AZ



# Overview

- Overview of children in immigrant families and immigration policy context
- Impact of anti-immigrant policies on young children
- A deeper dive on “public charge”
- Taking action



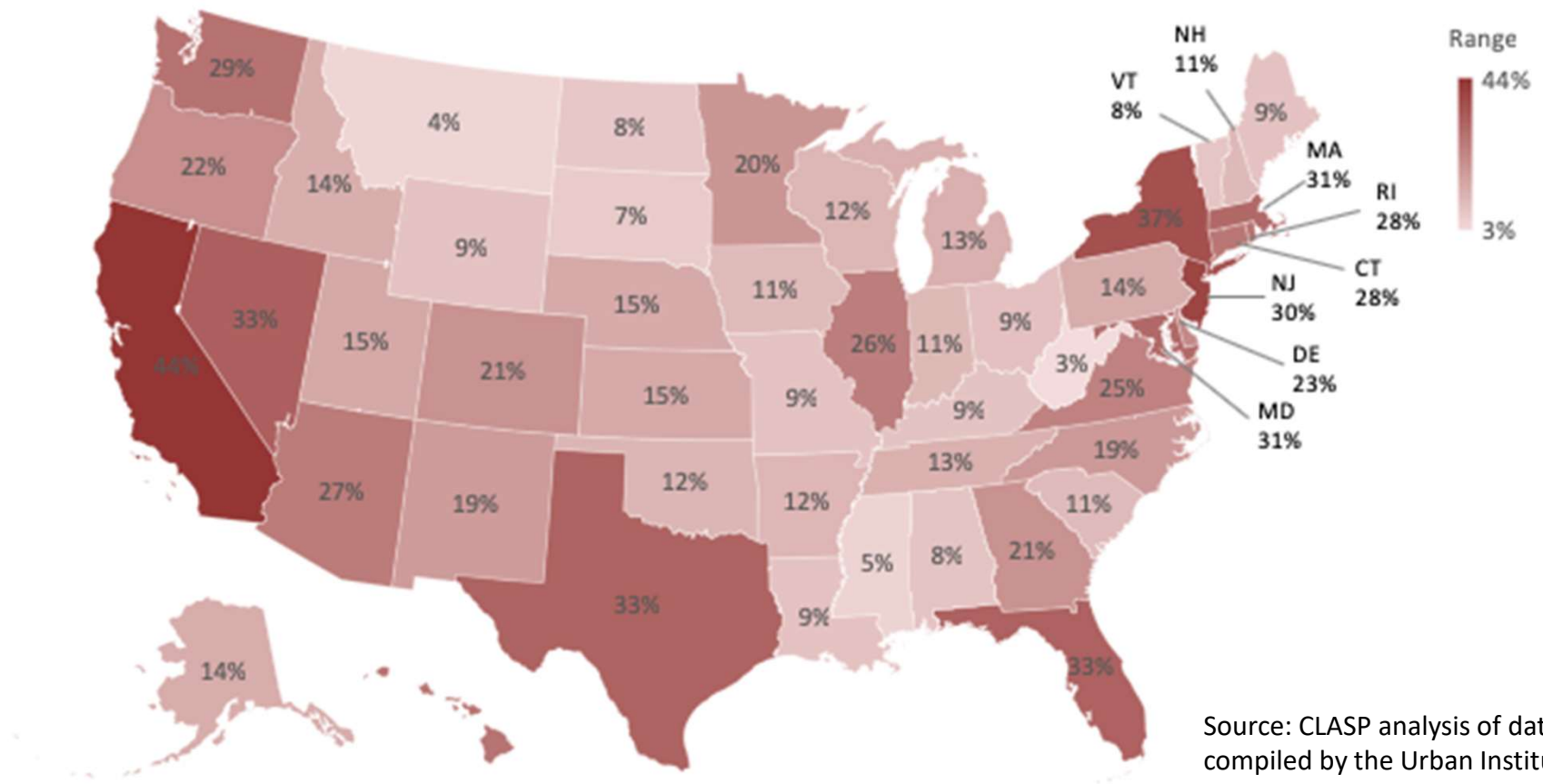
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# **Children in Immigrant Families and Immigration Context in the U.S. and Arizona**

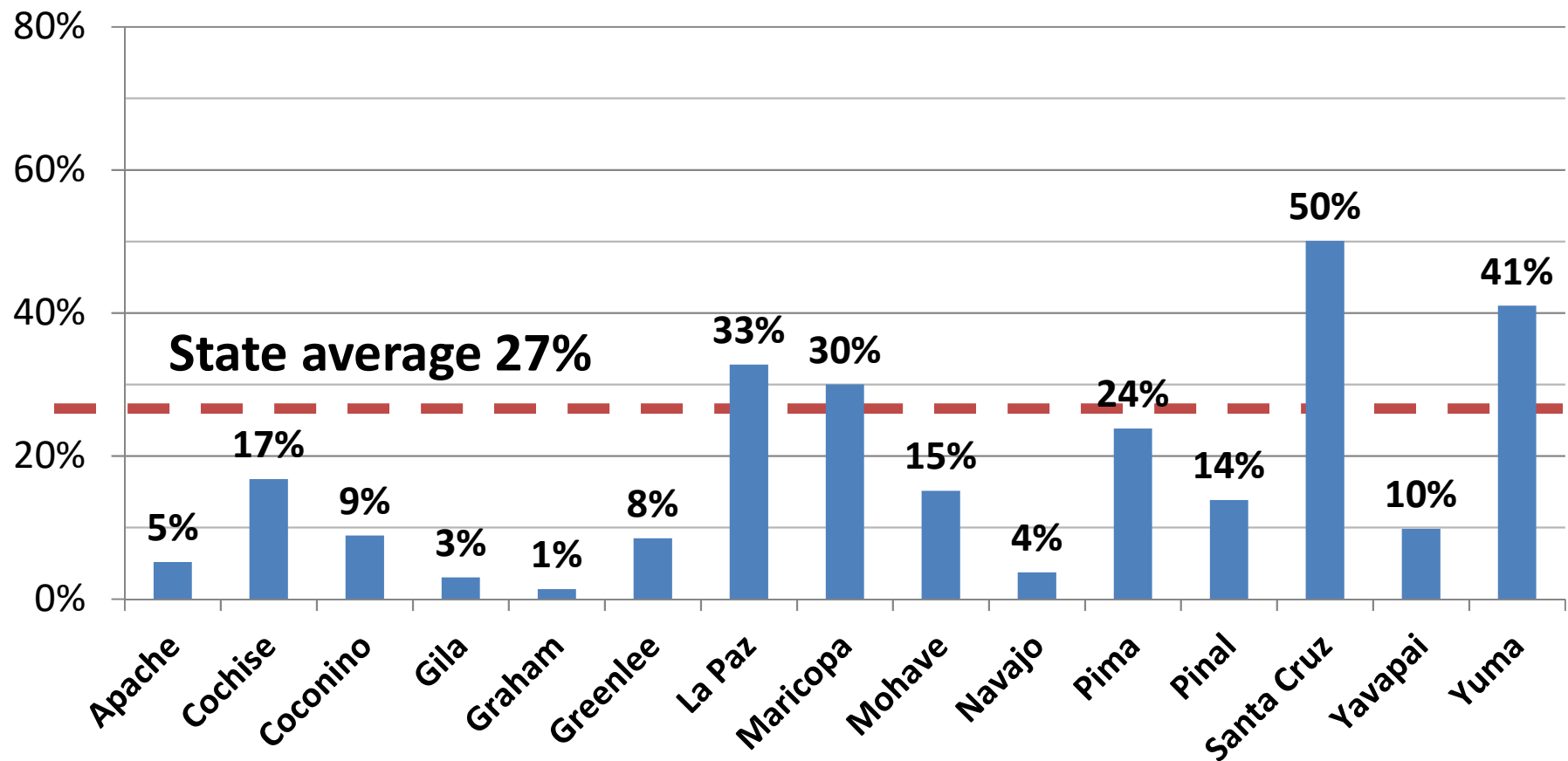
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# 1 in 4 Young Children are Members of Immigrant Families

Share of young child population with foreign-born parents, 2017

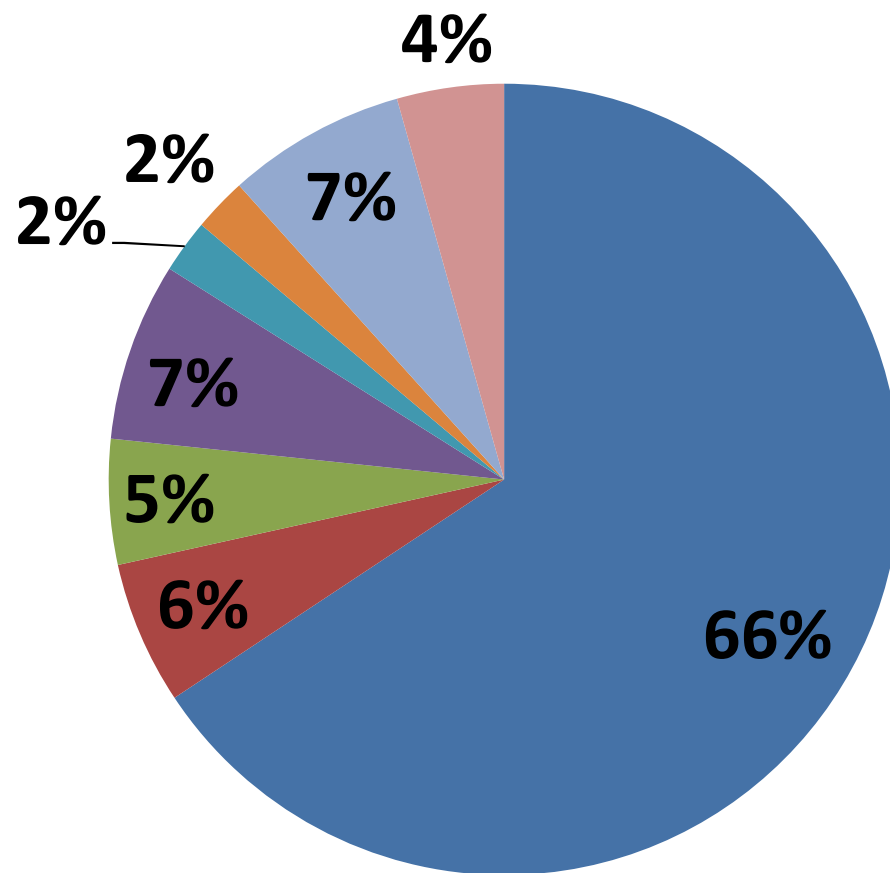


# Young Children in Immigrant Families in Arizona, by County



Source: CLASP analysis of ACS 5-year data, 2012-2017

# Most AZ Children in Immigrant Families are of Mexican Descent

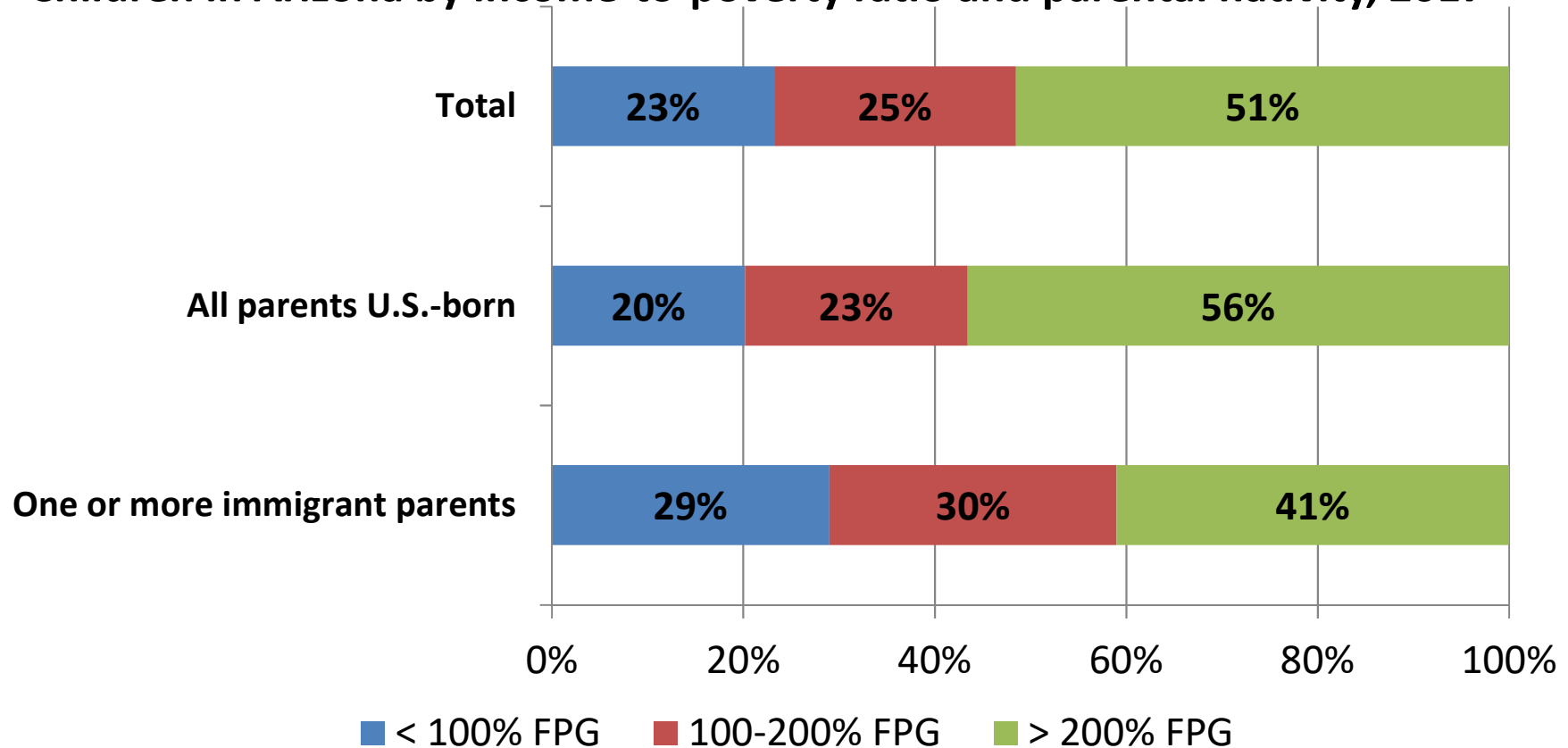


Share of children by parents' country of origin

- Mexico
- Africa or the West Indies
- East Asia or the Pacific
- Europe, Canada, Australia, or New Zealand
- South America
- Southeast Asia
- Middle East or South Asia
- Other Central American countries or the Spanish Caribbean

# Children in Immigrant Families have Higher Rates of Economic Hardship

Children in Arizona by income-to-poverty ratio and parental nativity, 2017



# Shift in Federal Immigration Policy Priorities



1

Increasing  
enforcement



2

Removing legal  
protections

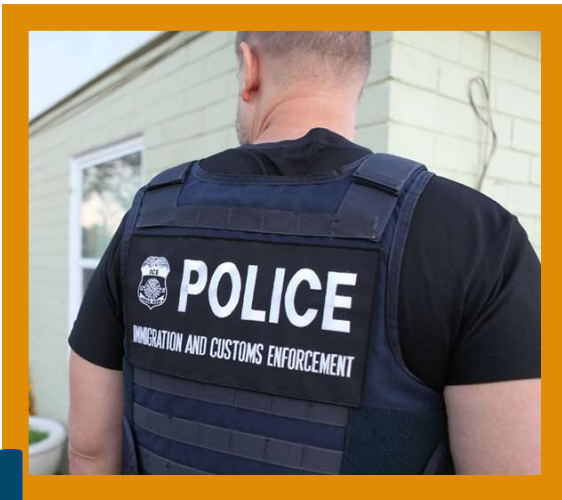


3

Reducing access  
to public benefits



# Shift in Federal Immigration Policy Priorities



1

Increasing  
enforcement

- Increased number of ICE and CBP **enforcement officers**
- All undocumented immigrants **prioritized** for deportation
- Heightened **arrests** in communities
- Revival of large-scale **worksite raids**
- Increased **collaboration** between federal immigration agents and state and local police

# Shift in Federal Immigration Policy Priorities



2

Removing legal protections

- Attempted to:
  - Terminate the **Deferred Action for Childhood Arrivals (DACA)** program
  - Revoke **Temporary Protected Status (TPS)** for immigrants from 7 countries

# Shift in Federal Immigration Policy Priorities



3

Reducing access  
to public benefits

- Proposed **public charge rule**
  - If finalized, would make it more difficult for low-income lawfully present immigrants to obtain permanent status
- Proposed rule to deny mixed-status families **housing assistance**
- Heightened **enforcement** and **anti-immigrant rhetoric** contribute to an overall climate of fear

# Arizona State Policy Context

## SB 1070: “Show Me Your Papers” Law

- Makes being an undocumented immigrant in Arizona a state misdemeanor
- Requires law enforcement officers to attempt to determine immigration status during a “lawful stop, detention, or arrest”
- Bars state and local officials or agencies from restricting enforcement of federal immigration laws



Image courtesy of the ACLU of Arizona

# Arizona State Policy Context

## **Driver's licenses for deferred-action recipients**

- Gov. Brewer directed state agencies to deny driver's licenses to DACA recipients
  - Eventually stopped issuing licenses to other deferred-action recipients
- As of January 2019, anyone with an employment authorization card issued by DHS can access a state license

## **In-state tuition for college students with DACA**

- Last year, AZ Supreme Court struck down in-state tuition for dreamers
- 2019 proposed legislation would create new tuition rate for dreamers

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# **Anti-immigrant Policies are Undermining Young Children's Health and Development**

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# Young Children Fear Their Parents Will Be Taken Away



**“ The stress  
is so high  
they’re biting  
their fingers. ”**

– Preschool director in GA

# Children Are Losing Access to Early Childhood, Health, Nutrition Services

- Providers report that parents are...
  - Reluctant to enroll/maintain children's enrollment in WIC, SNAP, Medicaid
  - Refusing prenatal care
  - Keeping children home from school, child care

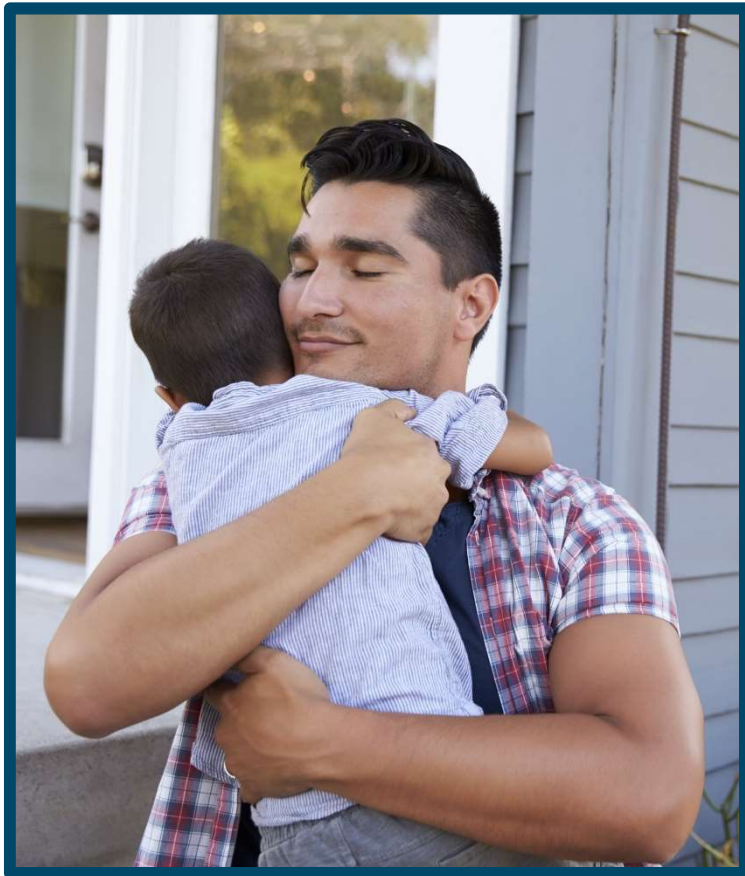
**"We don't feel safe even taking the kids to child care."**

– Mother in California





# Parents Need Resources and Support



**“ I’m not going to tell [my children] that we can be deported at any moment. ”**  
– Mother in NM

## Providers Are Under Increased Professional and Personal Stress

**“It’s been a rough year... for them on a personal level it’s been hard, and then to go in the homes and hear these stories and help families navigate these really stressful times...”**

– Home visitor in New Mexico

# Immigration Policy is a Children's Issue



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# **A Deeper Dive on Public Charge and Immigrants' Eligibility for Public Benefits**

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# Barriers to Public Benefit Programs for Immigrants and their Families

- Lack of awareness
- Language and cultural barriers
- Confusing eligibility rules
- Immigration concerns, such as “public charge”
- Fears of immigration enforcement

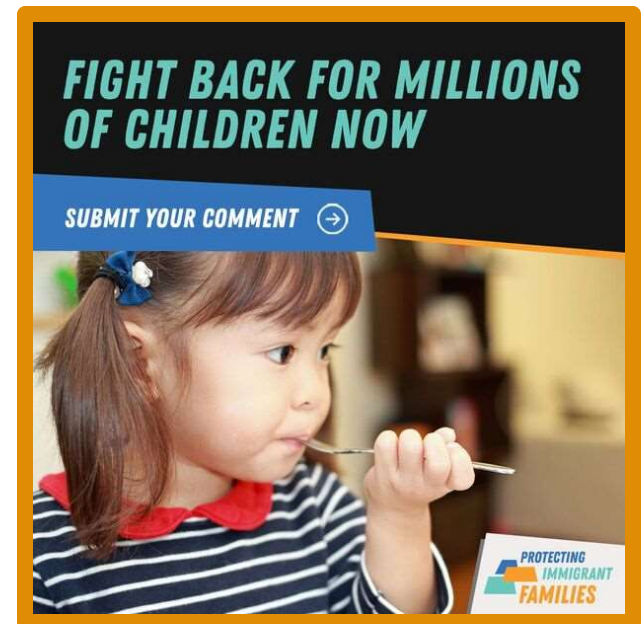


# What is “Public Charge?”

- A provision in immigration law designed to identify people who may depend on government benefits as their **primary source of support**.
- An immigrant who is deemed *likely to become a public charge* may be denied admission to the U.S. or lawful permanent resident status
- It is not relevant when an individual applies to become a US citizen.
- It does not apply to certain categories of immigrants, including refugees, asylees, and others.

# The Current Public Charge Test

- Considers “**totality of circumstances**”
  - Age, health, family status, financial status, education and skills, affidavit of support
- Considers the use of two public benefits:
  - Cash assistance (e.g. TANF, SSI, general assistance)
  - Long-term institutional care at government expense



<https://protectingimmigrantfamilies.org>

# DHS Public Charge Proposed Rule

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- The proposed rule would make three primary changes to existing “public charge” regulations
  - Change the definition of “public charge”
  - Expand the list of public benefits
  - Detail new negative factors for the “totality of circumstances” test



# A Broader Definition of “Public Charge”

## Current law

- A person likely to become *primarily dependent* on government assistance as his or her main source of support

## As proposed

- A person who *uses one or more public benefits*

# Expanded List of Public Benefits

**Cash assistance\*  
(i.e., TANF, SSI)**

**Government-  
funded long-term  
institutional care\***

**Non-emergency  
Medicaid\*\***

**Supplemental  
Nutrition  
Assistance Program  
(SNAP or Food Stamps)**

**Medicare Part D  
low-income subsidy**

**Housing assistance  
(public housing or Section  
8 Housing Vouchers and  
Rental Assistance)**

\* Included under current policy

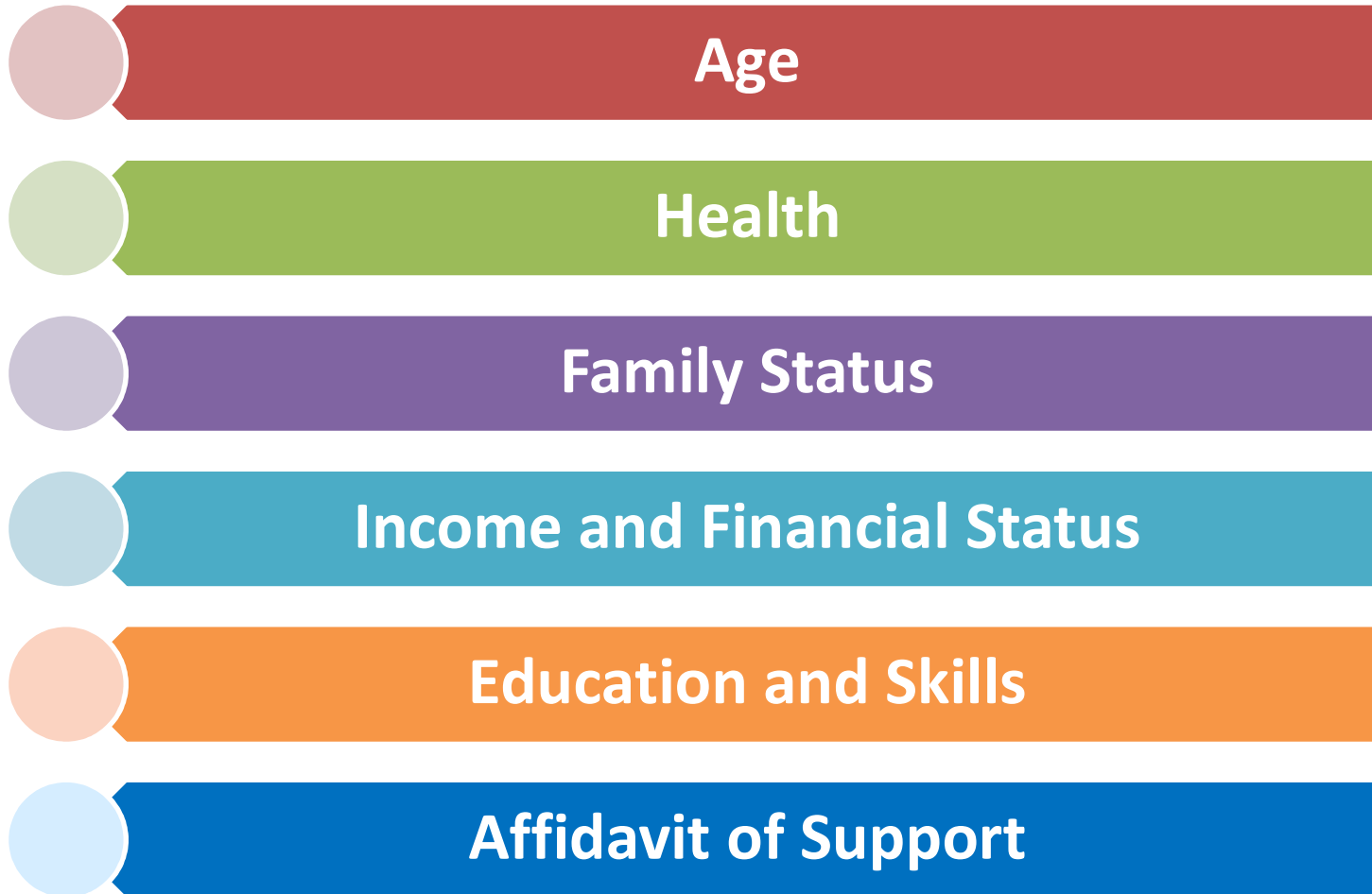
\*\* Exceptions for certain school-based disability services funded by Medicaid but provided by IDEA.  
DHS is asking for input on inclusion of CHIP, but the program is not included in the proposed rule.

# Children's Use of Benefits

- Only an individual's benefit use would be considered.
  - Children's use of benefits **would not be counted** in a parent's public charge determination
- For immigrant children, own benefit use counts toward his or her own public charge test.



# Factors Considered in the “Totality of Circumstances” Test



# Heavily Weighed Factors

Heavily Weighed  
**Positive** Factors

Heavily Weighed  
**Negative** Factors

Household income  
250% FPG or above

Lack of job or  
prospects

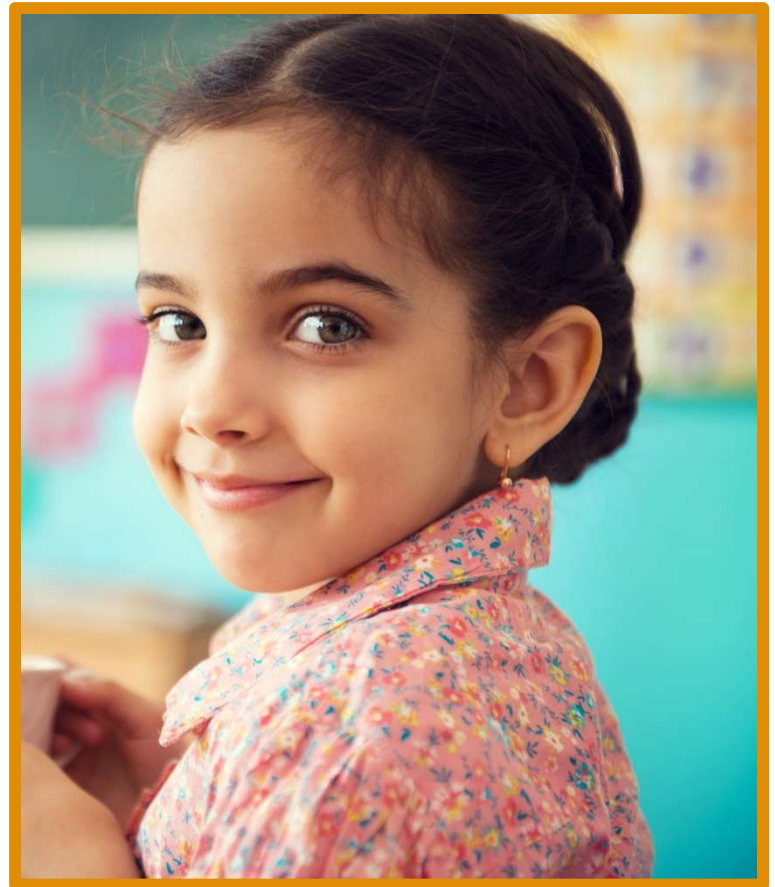
Health condition w/o  
private insurance or \$ to  
pay for care

Receipt of public  
benefits



# Example: Jasmine's Story

**Jasmine** is a 4-year-old U.S. citizen. Her mother is a graduate student from Mexico with DACA since 2012.



# Public Charge NPRM: Keep in Mind

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- This is a proposal—current guidance on public charge remains in effect
- The proposal is **not** retroactive
- The final regulation could look different from the proposed regulation
- Nothing in this proposed rule changes immigrant ***eligibility*** for public benefits or early childhood programs

# Additional Federal Threats

- **May 2019 Department of Housing and Urban Development** proposed rule to restrict access to housing assistance for mixed-status families (comment period closes 7/9/19)
- **Pending Department of Justice** proposed rule on deportation on public charge grounds
- **Get updates at**  
[www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)





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# **Taking Action: What Head Start Staff Can Do**

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# Use Your Child Development Expertise to Advocate for Immigrant Families

- Speak out on **harmful** federal and state policies
  - Public charge; interior enforcement, including worksite raids
- Advance a **positive** vision for immigrant families
  - Federal advocacy: protections for Dreamers, TPS recipients
  - State legislation that promotes immigrants' safety, health, economic security, and educational opportunities
- Document the **impact**

# Create an Intentional Focus on Immigrant Families In Your Programs

- Reevaluate application and enrollment procedures
- Develop partnerships with immigrant-serving organizations, legal service providers
- Make resources available and accessible
- Offer Know Your Rights, family safety planning trainings




# Head Start Centers are Protected by the Sensitive Locations Policy

- Immigration enforcement is generally restricted at **known and licensed** early childhood programs, including:
  - Child care
  - Pre-K
  - Preschool
  - Head Start


**Early Care and Education Programs are Sensitive Locations**

The Department of Homeland Security (DHS) has longstanding policies that restrict immigration enforcement actions in "sensitive locations." This means that, except in limited circumstances, immigration agents should not conduct arrests, apprehensions, or other enforcement actions in the following locations:




**Schools**, including known and licensed child care programs, preschools, pre-kindergarten programs, Head Start programs, and other early care and education programs.


K-12 schools, colleges and universities, after-care programs, vocational or trade schools, and other education-related activities and events are also included in the policy.




**School bus stops** that are marked and/or known to the officer (during periods when children are present at the stop).




**Medical treatment and health care facilities**, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities.



**Places of worship**, such as churches, synagogues, mosques, and temples.



**Religious or civil ceremonies or observances**, such as funerals and weddings.



**During public demonstrations**, such as marches, rallies, or parades.

**What this means for early care and education providers:**

- Providers should notify staff and parents that the program is considered a sensitive location.
- Providers do not have to allow immigration officials into your program without a warrant.
- Providers should develop internal procedures in case of potential enforcement actions and share them with staff and parents.
- Providers should track enforcement actions at or near their property. These can be reported to a local immigration or legal services organization.

For more information about the sensitive locations policy, please see CLASP and NILC's factsheet, The Department of Homeland Security's "Sensitive Locations" Policies, available at [clasp.org/sensitivelocations](https://clasp.org/sensitivelocations).

For questions about the sensitive locations policy or if you believe the policy has been violated, contact Rebecca Ullrich ([rullrich@clasp.org](mailto:rullrich@clasp.org)) at the Center for Law and Social Policy (CLASP). To learn more about CLASP, visit [www.clasp.org](https://www.clasp.org).

Updated July 2018 **CLASP**

# What Does it Mean to be a Sensitive Location?

- Immigration agents need prior approval from a supervisor to conduct enforcement actions at your facility
  - Without a warrant and prior approval, **you do not have to grant access**
  - Limited exceptions in **exigent circumstances**
- Applies to any/all parts of your property generally considered private (i.e., lobbies, hallways, classrooms, playgrounds)

# Implement a “Safe Space” Policy

- Safe space policies **safeguard** early childhood programs against immigration enforcement and **protect** families’ safety and privacy
  - Reinforce **basic constitutional principles** and **federal agency guidance** related to immigration enforcement
  - Rooted in basic security and privacy protocols you already have in place

# Review Your Basic Security & Privacy Protocols

- Policies related to:
  - Recording and storing private information
  - Secure entries/exits
  - How authorized staff, parents access the property
  - Expectations for visitors



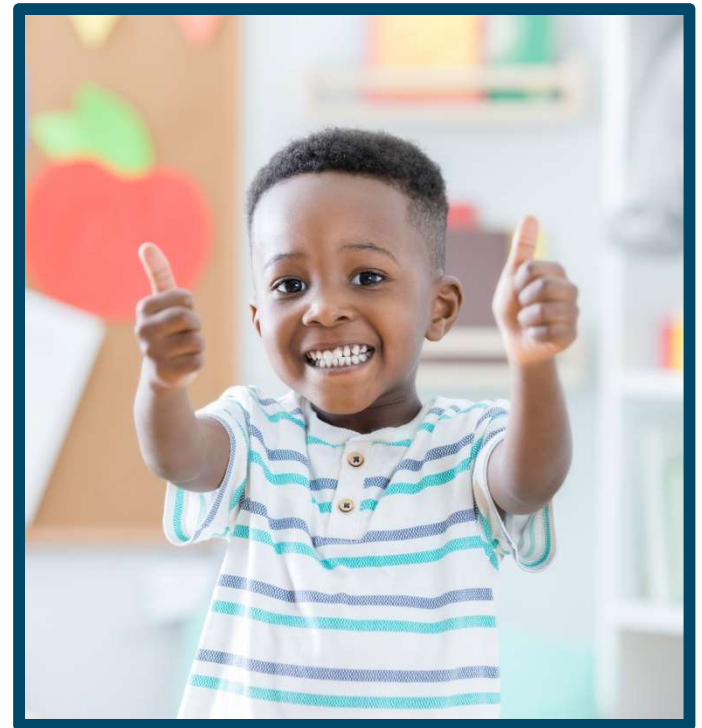
# Designate 1-2 Staff Members to Interact with Federal Immigration Agents

- Let agents know your program has a procedure you're expected to follow
- Ask for the agents' credentials, a signed judicial warrant, and approval from a supervisor (**make copies!**)
  - You do **not** have to grant permission to enter without this documentation



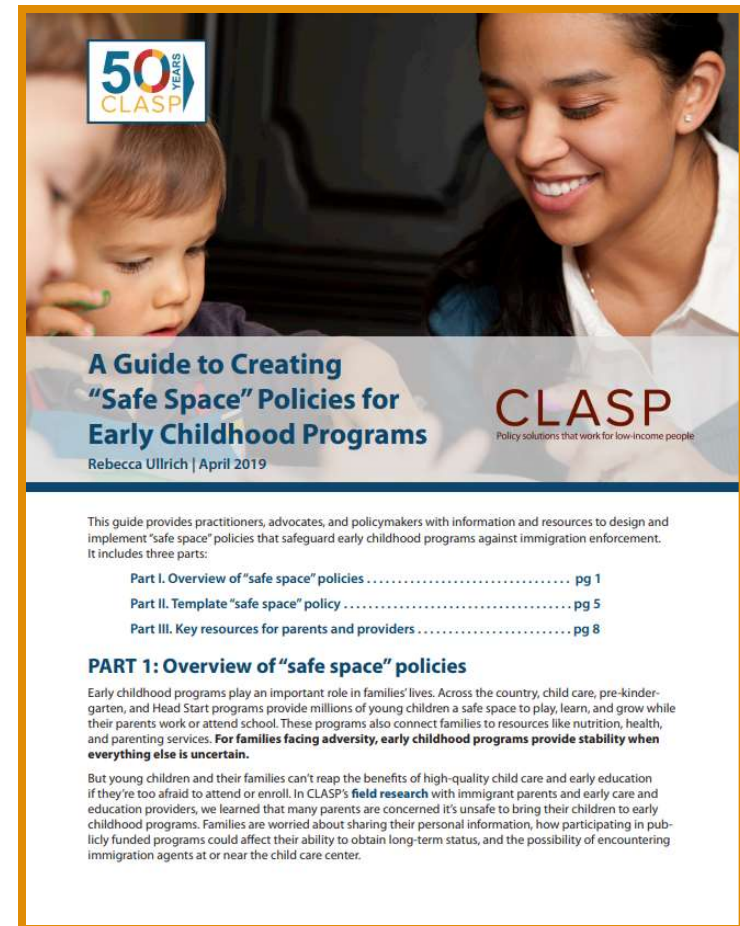
# Other Things to Consider

- Additional responsibilities and expectations for staff
  - Who else needs to be alerted?
  - Expectations for staff working with children
- How to minimize disruption
- Communication with staff, parents



# CLASP Can Help

- Find our guide to creating safe space policies at [www.clasp.org/safespaceguide](http://www.clasp.org/safespaceguide)
- Contact **Rebecca Ullrich** ([rullrich@clasp.org](mailto:rullrich@clasp.org)) for questions and assistance



# Contact Information

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