



Protecting Immigrant Families

October 17, 2019

Aurora Garcia-Barrera, Community Engagement Manager

California School-Based Health Alliance Webinar



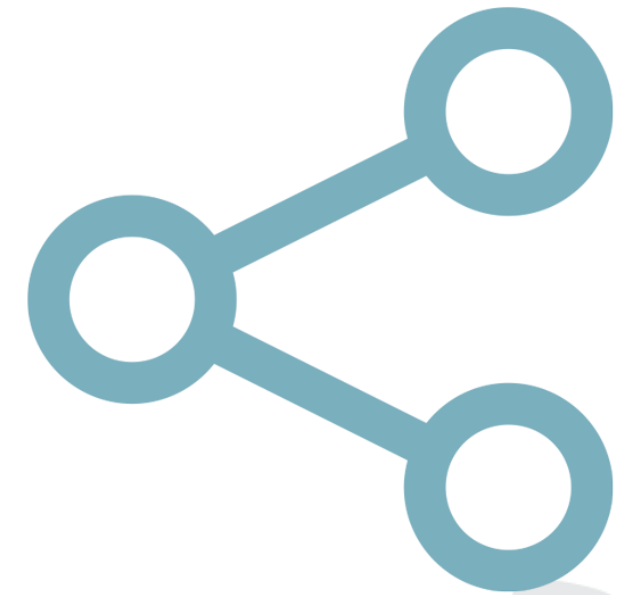


For audio, dial
(415) 655-0003

Access code
667 560 109



The webinar is
being recorded



Supporting
materials will be
shared



Presenter

Aurora Garcia-Barrera

Community Engagement Manager
The Children's Partnership



Moderator

Peter Lê

Program Manager
California School-Based Health Alliance

Putting Health Care in Schools

The California School-Based Health Alliance is the statewide non-profit organization dedicated to **improving the health & academic success** of children & youth by **advancing health services in schools.**

Learn more:
schoolhealthcenters.org



Become a member, get exclusive benefits

- Conference registration discount
- Tools & resources
- Technical assistance

Sign up today:
bit.ly/CSHAMembership



Agenda

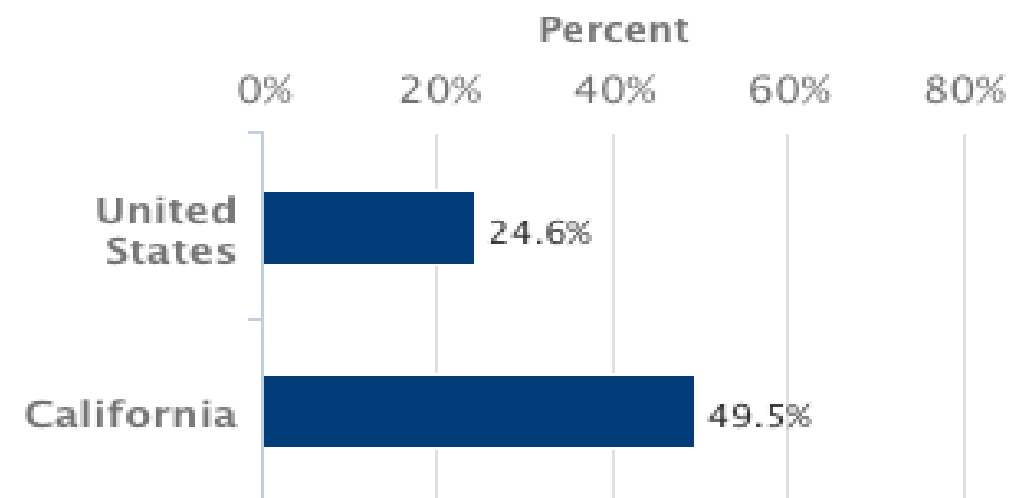
- California's Children
- Policy Changes Impacting California Immigrant Families and their Children
- Public Charge 101
- Resources
- Supporting Immigrant Families and Students

California's Children



Children Living with One or More Foreign-Born Parent (Regions of 10,000 Residents or More)

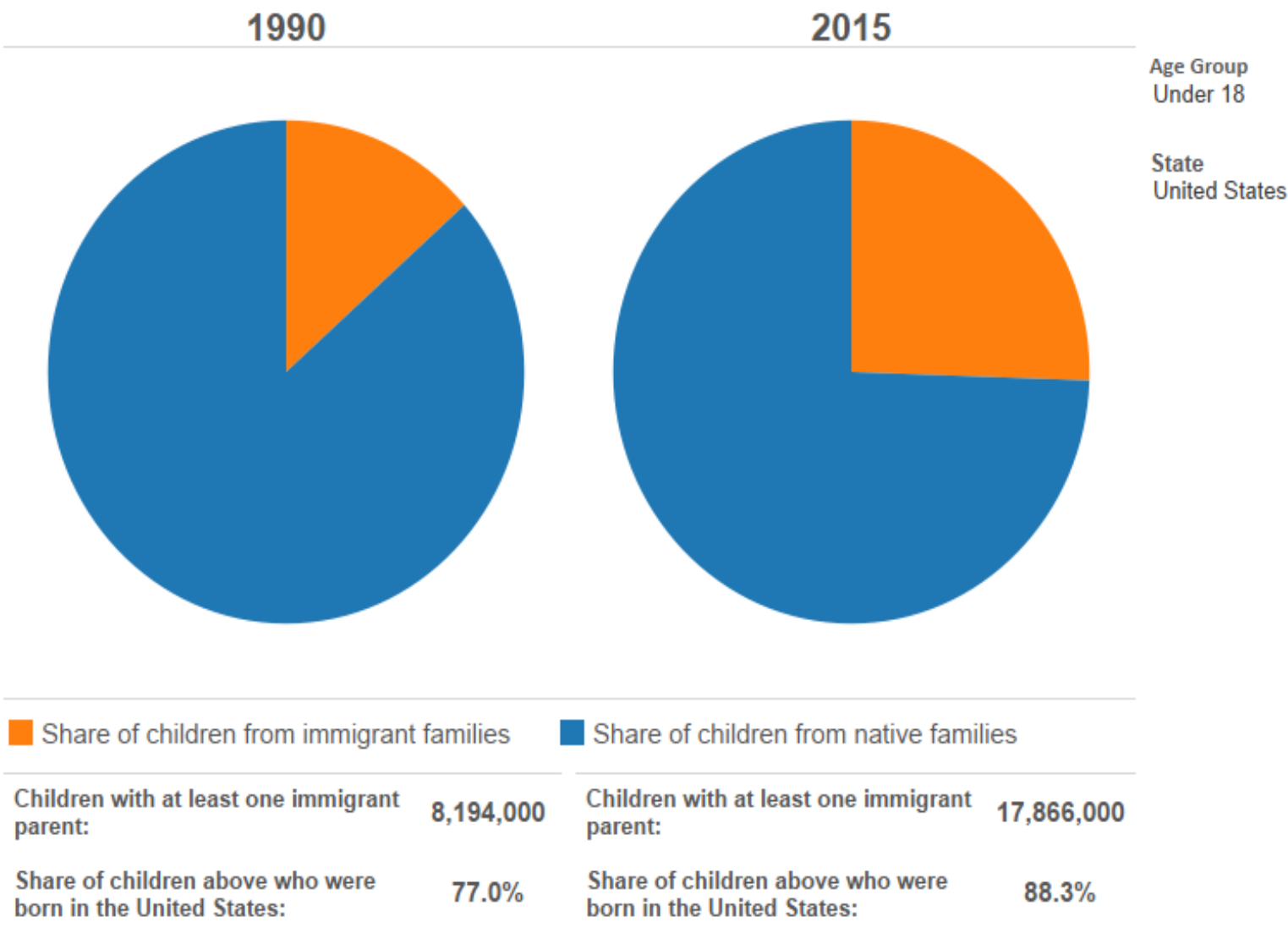
Year(s): 2010-2014




Source: Kidsdata.org (Lucile Packard Foundation for Children's Health)

Children in Immigrant Families

Children in U.S. Immigrant Families:
Number and Share of the Total U.S. Child Population, by Age Group and State



 Migration Policy Institute (MPI) Data Hub
<http://migrationpolicy.org/programs/data-hub>

Federal Actions: Impact on Immigrant Families

- Multiple Anti-Immigration Executive Orders
- Rescission of the Deferred Action for Childhood Arrivals (DACA) Program & Temporary Protected Status (TPS)
- Shift in enforcement priorities
- Changes to “Public Charge”



Public Charge 101

NOT Legal Advice

- **This presentation is NOT legal advice.**
- We are offering general information that reflects the most recent updates on public charge.
- We recommend that you seek legal support on your individual case with a trusted legal partner.



What is Public Charge?

What is Public Charge?

- Public charge is a term used by U.S. immigration officials to refer to a person who is considered likely to become primarily dependent on the government for subsistence.
- An immigrant who is found to become a “public charge” may be denied admission to the U.S. or lawful permanent residency.



Public Benefits Currently Considered

Currently, the following are the only public benefits that are considered during the public charge test:

- Cash Assistance
- Temporary Assistance for Needy Families (TANF) – Known as CalWORKS in CA
- Social Security Income (SSI)
- Long-Term Medical Care through Medicaid
- Ex: Mental Health Facility



When Does the Public Charge Test Apply?

When Does the Public Charge Test Apply?

A test applied only at certain points along the immigration path:

1. When you apply to enter the US.
2. When you apply to become a Legal Permanent Resident (green card).
3. When you are a Legal Permanent Resident and leave the US for more than 6 months, or 180 consecutive days.



Public Charge Exemptions

- Many immigrants are NOT subject to public charge:
 - Refugees and asylees
 - Victims of Human Trafficking (T visas)
 - Victims of Domestic Violence or Other Hate Crimes (U Visa)
 - VAWA Self-Petitioners
 - Special Immigrant Juvenile Status (SIJS)
 - Other Immigrant Categories
 - Legal Permanent Residents
 - U.S. Citizens

Totality of Circumstances

Totality of Circumstances: Factors used to determine someone's future ability to support themselves.

The totality of these factors are considered:

- Age
- Health
- Income Status and Assets
- Number of Dependents
- Education, Skills, and Work Experience
- Affidavit of Support



Where Are the Changes to Public Charge Now?

Injunction on Public Charge Regulation Changes

- The final version of the changes to the public charge rule were posted on August 14, 2019
 - Implementation was set to start on October 15, 2019
- On Friday, October 11, 2019, a New York federal judge blocked the proposed changes to the public charge regulation.
 - 5 additional courts have placed preliminary injunctions, including nationwide injunctions from California, Maryland, New York, and Washington
 - The temporary injunctions put a national freeze on the implementation to the proposed changes.

Key Messages on Injunction

- This is a huge victory in the efforts to support immigrant families and their children.
- Please encourage families to stay enrolled in their benefits and to continue seeking the services they need to take care of their families and their children's health and wellbeing.
- Please stay tuned for further updates as events unfold.
- Now is a good time to talk to an immigration attorney to stay prepared and better understand if public charge may impact you, if implementation ends up proceeding at a later date.

What Are the New Changes to the Public Charge Test?

New Changes to the Public Charge Test

1. Changes Definition of Public Charge
2. Includes Additional Public Benefits
3. Changes to the “Totality of Circumstances”

1. Changes to Definition of Public Charge

Original Definition

Individual who is likely to 'primarily' depend on the government for INCOME.



New Definition

An immigrant who “receives one or more benefits.”

2. Includes Additional Public Benefits

- **Medicaid - Medi-Cal in California**
 - Does not include the following forms of state funded Medi-Cal: Emergency Medi-Cal, coverage for kids under 21 years, pregnant woman, and new mothers.
- **SNAP or Food Stamps**
 - CalFRESH in California
- **Public Housing or Section 8**
- **Cash Assistance**
 - Cash Assistance Program for Immigrants (CAPI)



Important Reminder

- Use of benefits by relatives does NOT count!
 - Children Citizens
 - Undocumented Partner
- Only the benefits used by the immigrant applying count
 - It will only count unless it's the family's main source of income.

Benefits NOT Included

- State Funded Medicaid – Medi-Cal
 - Emergency Medi-Cal, pregnant woman, new mothers for up to 60 days from giving birth, CHIP, and Medi-Cal for kids under 21 years.
- Medicare Part D
- Emergency and Disaster Relief
- Services Available to the Entire Community
- School Nutrition Services
- Public Education Including Head Start
- WIC (Woman, Infants, and Children)
- Covered CA Subsidies
- Earned Income Tax Credit or Child Tax Credits
- Benefits Received by Dependents



3. Changes to the “Totality of Circumstances”

■ **Negative Factors:**

- Employment: Has the ability to work but are not working or are not full time students.
- Public Benefits:
 - Currently utilizing any of the considered public benefits.
 - Has utilized a considered public benefit in the last 36 months.
- Age: Under 18 years of age or over 60 years of age.
- Health:
 - Physical or mental health conditions that may affect their ability to work or go to school, or that may require financial assistance.
 - Does not have health insurance or are not able to obtain medical coverage.

■ **Positive Factors:**

- Income over the 250% Federal Poverty Level (more than \$62,000 for a family of 4)
- Affidavit of Support
- English Proficiency

What Happens Now?

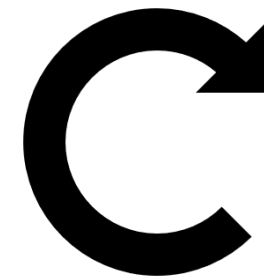
**Keep
Calm**



**Implementation
on Hold**



**The Rule is
NOT
Retroactive**



Quiz Time!

Question #1

- Alejandra has a U-Visa and lives with her 9-year-old daughter, Yeymi.
- They receive CalFresh, CalWORKs and Medi-Cal.
- She heard rumors that CalFresh and Medi-Cal will now negatively affect immigrants under the new public charge rule.

Should they continue to receive services?



Answer #1

YES, they should continue to receive services

1. People who apply for U visas, or with U visas that want to obtain a green card in the future, will not be affected by the Public Charge test.
2. There are many immigrants who are not required to take the Public Charge test.

If you are not sure if you are excluded from the test, consult with a lawyer.



Question #2

- Diana is undocumented.
- She has spoken with an immigration lawyer, and there are no visas for which she is currently eligible.
- She lives with her son Daniel, 4, who is a US citizen.
- Daniel receives CalWorks, Medi-Cal and CalFresh.
- They have no other income.

Are they affected by public charge rules?



Answer #2

NO, not right now.

1. Diana is not on a path to obtain a visa or a green card, so her son's use of benefits will not affect her.
2. If she thinks she can apply for a visa in the future, then she should consult with a lawyer to ask if public charge will affect her.



Question #3

- Let us remember Diana, who is undocumented, and her son Daniel, who is a US citizen.
- Diana wants to marry a citizen of the United States, and could be eligible for an immigrant visa for a spouse of a U.S. citizen.
- Diana and Daniel receive WIC benefits.
- Daniel also receives free breakfast and lunch at school.

Should Diana stop these benefits?



Answer #3

NO, she and her son can continue to receive services

1. WIC and school services are not considered in the Public Charge test
2. Even if the new rule passes, these benefits will remain unaffected.
3. If you are receiving a benefit and are not sure if you are affected by public charge, consult with a lawyer.



Key Messages

- 1. The Test Does Not Apply To Everyone:** Each case is different and many families who receive public services are not subject to the public charge test.
- 2. Public Charge Is An Individual Test:** The services used by other members of your family do not count against your case.
- 3. Public Charge Is Not Retroactive:** Services used before implementation begins should not count against your case.
- 4. Seek Legal Support:** We recommend that you still seek legal to support to inform yourself in the case of implementation.

Resources

Resources

- Organizational Resources:
 - National PIF Campaign: <https://protectingimmigrantfamilies.org>
 - The Children's Partnership: <https://www.childrenspartnership.org/what-we-do/public-charge/>
- Legal Support Resources:
 - [California Contact List](#) for public charge legal consultation, education and outreach (via California Department of Social Services)
 - Public Charge Screening Tool: Text “benefits” to 650-376-8006 or “libre” for Spanish (via CA-PIF and Legal Aid of San Mateo County)
 - [California Legal Service Directory](#) for a licensed attorney or accredited representative to assist with an immigration case (via Ready California)



Partner Resources – Los Angeles



LACOE's Immigrant Relations

Carolina Sheinfeld, Coordinator

(562)922-6123

sheinfeld_carolina@laoe.edu

District Emergencies: (562)419-5275



Los Angeles County
Office of Education



FOCUS AREAS (2019-2020)

1. Unaccompanied Minors released from ORR & Schools
2. Access to Public Resources by Immigrant families
3. Census: Outreach to Hard to Count Communities Through Schools
4. Community Schools
5. Technical Assistance
6. Raids & Effect on Children

2

LACOE's Immigrant Relations Program

<https://www.lacoe.edu/Home/Immigrant-Relations>

Empower school districts, parents & students

Provide timely Information & response to needs around immigration policies

Facilitate Navigation of services for Immigrant communities

Ensure School Compliance to policies that protect students and families (AB 699, FERPA, AB 2121, and others)



Los Angeles County
Office of Education

3

Supporting Immigrant Families and Students

State Response: California

■ State Attorney General Xavier Becerra

- Dreamers/DACA
- Muslim Travel Ban
- Border Wall

■ State legislation

- 2017: SB 54 (De Leon): California Values Act
- 2017: AB 699 (O'Donnell): Educational equity: immigration
- 2018: AB 1862 (Santiago, Carrillo): \$10 million addition to One California for TPS-related legal services for those facing deportation

■ 2019 State Budget

- Maintains coverage for Health4All Kids and expands to Health4All Young Adults up to the age of 26



Art by Favianna Rodriguez

Protecting Immigrant Students in Schools



Art by Favianna Rodriguez

AB 699 – Safe Schools for Immigrant Students Establishes protections for undocumented students in K-12 schools.

SB 54: “Sanctuary State”

Prevents engagement between law enforcement and immigration enforcement. Requires that certain places, like schools or health facilities, remain safe spaces.



ARTWORK BY CHUCHA MARQUEZ, 2017

AB 699 – Safe Schools for Immigrant Students

■ AB 699 requires schools to:

- Teach students about the **harm of bullying** students based on immigration status.
- Prohibit immigration status **information gathering** from students or families.
- Notify school board if **police officers** try to enforce immigration laws on campus.
- Follow a **family's emergency plan** and avoid referrals to CPS.
- Inform parents about **children's right** to free public education and about school policies to **resist assistance with ICE**.



Healthy Mind, Healthy Future



- Fall 2017: Provider Survey
- Fall 2017: Parent and Youth Focus Groups
 - Inland Empire
 - Central Valley
- Winter/Spring 2018: Family Survey
- Winter/Spring 2018: Key Informant Interviews
- 2019: Statewide Symposium
- Ongoing: Policy and Action Agenda



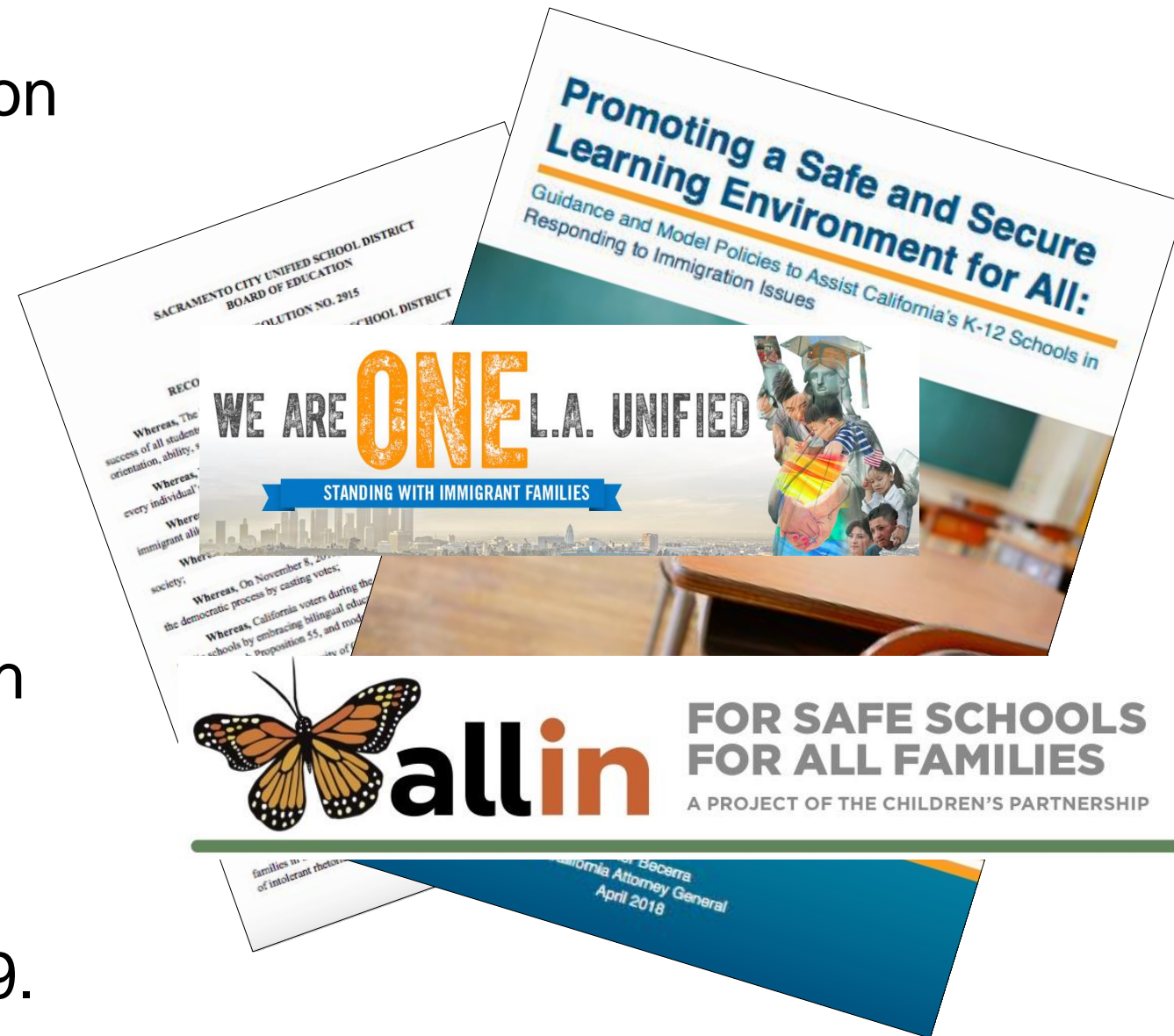
Key Policy and Programmatic Recommendations

1. Strengthen Community Safety to Ensure Children, Youth, and Families Feel Secure and Supported in their Communities
2. Invest in Community-Based Approaches and a Community-Based Workforce to Support Immigrant Families
3. Improve Access, Coordination, and Integration of Services to Reduce Barriers for Immigrant Families
4. Build Capacity of Providers, Educators, and Others Who Interact with Immigrant Families
5. Educate and Engage Communities about Immigrant Rights and Build Public Will to Take Action

Key Policy and Programmatic Recommendations

1. Strengthen Community Safety

- Support codification and expansion of the current national sensitive locations policy particularly at or near places that are critical to children's health and wellbeing.
- State agencies should ensure information will not be shared with federal immigration officials.
- Full implementation of California laws, including SB 54 and AB 699.



Key Policy and Programmatic Recommendations

4. Build Capacity of Providers, Educators, and Others Who Interact with Immigrant Families

- Strengthen and train staff on protocols to minimize harm to children if they are present during immigration enforcement actions.
- Include trauma-informed care training as part of Continuing Medical Education, medical school curriculum, teacher and school administrator training, and licenses for social workers and other mental health professionals.
- Adopt a statewide trauma informed care strategy that is adapted to include the unique needs of immigrant families.

How Can You Provide Support?

- **Spread the Word!!!**
- Work with Community Based Organizations to provide education, tools, and technical assistance.
- Develop, or work with local partners to develop, a list of trusted entities, such as attorneys and CBOs that can provide support to immigrant families.
- Request a copy of your district's policies, rules, and procedures to ensure they are in line with the requirements of AB 699.
- Advocate!! Work with the school to integrate Know Your Rights information and implement Safe School policies.

Questions



Follow Us!

Websites: www.childrenspartnership.org &
www.allinforhealth.org

Facebook: fb.com/KidsPartnership

Twitter: @KidsPartnership

Instagram: @KidsPartnership

Aurora Garcia-Barrera

Community Engagement Manager

E: agarcia@childrenspartnership.org

STAY CONNECTED

 schoolhealthcenters.org

 info@schoolhealthcenters.org

 [schoolhealthcenters](https://www.facebook.com/schoolhealthcenters)

 [sbh4ca](https://twitter.com/sbh4ca)

 [sbh4ca](https://www.instagram.com/sbh4ca)



Gracias

謝謝

Thank you

Cảm ơn

Salamat

Aurora Garcia-Barrera

agarcia@childrenspartnership.org

Peter Lê

ple@schoolhealthcenters.org



California School-Based Health Conference
May 14-15, 2020 | Sacramento

Thank You!

