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Contra Costa Agencies Concerned New Federal Rule May Deter Immigrants from Using County Services

Martinez, Calif. (January 28, 2020) – Contra Costa County Employment and Human Services Department (EHSD) and Contra Costa Health Services (CCHS) officials say new federal rules could have a chilling effect on immigrants eligible for government benefits and services from the county.

The United States Supreme Court decided on Monday, Jan. 27, 2020, to lift a nationwide preliminary injunction blocking implementation of the Department of Homeland Security’s (DHS) new “public charge” rules that penalize immigrants who use certain government programs, such as Medi-Cal. The changes expand the types of benefits that may be considered for “public charge,” a term that indicates a person who may be likely to become dependent on the government for subsistence. A public charge determination could be used to reject an immigrant’s application to keep his or her legal status to stay in the U.S. or to become a lawful permanent resident.

It is not yet known when these rules will be enforced. Lawsuits continue to move through the courts challenging the rule.

The Contra Costa County Board of Supervisors officially opposed the public charge rule changes in 2018. County officials say the new rules may lead families to feel they must choose between getting food, healthcare, housing assistance, and services they need, and obtaining the citizenship that they are legally on track to achieve.

“Healthy people make healthy communities, and we’re worried this rule change will discourage people from accessing health care services or services that they depend on to be healthy,” said Contra Costa Health Services Director Anna Roth.

EHSD and CCHS advise individuals and families to review the new rules and consult with resources such as the Immigration Legal Resource Center (ILRC), Stand Together Contra Costa, Catholic Charities, and 211.org.

“We are committed to supporting the needs of all community members who are eligible for our services with dignity, regardless of immigration status,” said EHSD Director Kathy Gallagher. “We encourage community members who are concerned about how the new rule will affect them to seek legal guidance from attorneys or immigration experts.”

DHS’ revised policy “Inadmissibility on Public Charge Grounds” expands the list of programs that could be considered in determining the risk of public charge to include programs such as Medi-Cal (except emergency care, children under 21 years, and pregnant women), CalFresh (“food stamps”), and housing

assistance (public housing or Section 8 housing vouchers).

Several programs and benefits will remain unaffected and won't be counted toward the public charge test, including Head Start, national school lunch programs, veterans' benefits and the Women, Infants, and Children (WIC) program.

DHS' regulation does not affect all immigrants. Refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, and other "humanitarian" immigrants won't be impacted by the rule change. Lawful permanent residents (or "green card holders") are not affected unless they leave the United States for over 180 days and seek to reenter.

DHS formally proposed the rule changes in August 2019. In October 2019, days before it was to go into effect, a preliminary injunction halted it while lawsuits made their way through the courts. In early January 2020, the Department of Justice (DOJ) asked the Supreme Court to lift the nationwide injunction.

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