

Alberto M. Carvalho, Superintendent of Schools

SUBJECT: **NEW PROPOSED FEDERAL REGULATIONS IMPACTING U.S.-BORN CHILDREN OF IMMIGRANTS** } REVISÉD

COMMITTEE: **FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

LINK TO STRATEGIC BLUEPRINT: **INFORMED, ENGAGED & EMPOWERED STAKEHOLDERS**

The Department of Homeland Security (DHS) is advancing new regulations that may detrimentally impact childhood arrivals and the U.S.-born children of immigrants. The DHS is proposing to identify immigrants who are applying for a change in immigration status as being a “public charge” if they or their children have received “any government assistance” in the two years preceding their application, with certain defined exceptions. If these applicants are found to have availed themselves of public assistance, they would be prevented from being admitted to the U.S., or from adjusting their visa status to lawful permanent resident. The draft regulations have not yet been approved by the Director of U.S. Citizenship and Immigration Services, which regulates legal immigration, and must go through a formal public comment period before being adopted. } REVISÉD

The impact of this policy change is that future DHS applicants may choose to avoid health care or nutritional assistance having long-term effects on children who are or may later become students in public schools. Analysis of earlier regulatory drafts suggests that the effects could be “especially acute” for pregnant women and children, according to review by the Center on Budget and Policy Priorities. The Migration Policy Institute estimated a “chilling effect” may discourage millions of immigrant youth and their families from accessing health, nutrition, and social services, making it more difficult for children, and persons with lower levels of education or English proficiency, from entering or remaining in the country. } REVISÉD

Besides cash welfare benefits previously included in the definition, the list of public benefits that would count in the public charge determination would be expanded in the proposed regulations to include: } REVISÉD

- Certain educational benefits, such as Head Start;
- Subsidies under the Patient Protection and Affordable Care Act (Obamacare);
- Earned Income Tax Credit;
- State Children’s Health Insurance Program;

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- Supplemental Nutrition Assistance Program (SNAP);
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
and
- Housing assistance, including homeless services and Section 8 subsidies.

The proposed regulations would apply to childhood arrivals and the U.S.-born children of undocumented parents, though some Miami-Dade residents would be exempt from the new regulations if protected by other legislation, including legal refugees and asylees, certain applicants for Temporary Protected Status, and lawful entrants from Cuba, Haiti, or other countries covered by specific laws. } REVISÉD

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, reaffirm the historic importance of legal immigration to Miami-Dade County and of public services that assist all low-income Americans to advance and achieve self-sufficiency; and authorize the Superintendent to: } REVISÉD

1. include in the 2019 Federal Legislative Program continued support for existing regulations that do not penalize the use of public services which positively impact the health and education of all youth in our public schools; } REVISÉD
2. engage the Miami-Dade Congressional delegation regarding these issues; and
3. communicate with the Department of Homeland Security or other relevant agencies regarding these issues.