DATE: January 28, 2020

TO: Honorable Board of Supervisors
Jeffery V. Smith, County Executive

FROM: David Campos, Deputy County Executive
Mike Gonzalez, Program Manager

SUBJECT: Office of Immigrant Relations: Public Charge Response Plan

As you may be aware, because of yesterday’s ruling by the United States Supreme Court, the Trump Administration’s proposed Public Charge rule is now in effect. Today, the Court lifted a nationwide injunction imposed by a district judge in New York, thereby allowing the Trump Administration, effective immediately, to apply new standards which would burden low-income immigrants, including many residents of the County.

Over the last few months, the Office of Immigrant Relations (OIR) has worked tirelessly to develop a comprehensive response plan to address Public Charge and support our immigrant communities. To that end, Item 34 of today’s Board Agenda, is a proposed plan calling for the appropriation of $90,000 as well as the modification of three OIR contracts for the purpose of informing and educating the public about the proposed Public Charge Rule. When first introduced, our proposed plan recognized that the need for public information and education was there even if the Public Charge Rule did not go into effect. Now that the Public Charge Rule is going into effect, the need for OIR’s plan is even greater. In fact, given that the changes are going into effect immediately, we do not believe that the $90,000 originally requested will be enough and thus plan to return to the Board to request an additional amount to fund the substantial public education campaign that is needed.

The Rule will allow the federal government to deny admission or to deny green cards to immigrants if they are using, or are likely to use in the future, a wide range of non-cash supportive benefits, including non-emergency Medicaid, food stamps (Cal Fresh), and public housing and housing subsidies. As you can expect, this proposal has created fear and confusion in immigrant communities, and OIR has learned about the impact across our County services, including a reported drop-in the usage of healthcare services as a direct result of this fear and confusion.
OIR and the Division of Equity & Social Justice (DESJ) have undertaken several initiatives to assess the negative impact of the proposed public charge rule among County residents. During the summer of 2019, OIR conducted a series of listening sessions with key community-based organizations (CBO’s), County agencies, and community leaders about the rule’s chilling effect. OIR learned first-hand about the lack of services, lack of knowledge, and the fear that service providers and residents are experiencing about this rule. OIR used this information to develop a comprehensive Public Charge Response plan to address the fear, confusion, and misinformation about the Public Charge Rule. In the current climate of uncertainty and the Trump Administration’s anti-immigrant stance, we know that the need for community outreach and education is more important than ever. OIR identified four critical areas for consideration and in support of our immigrant communities in Santa Clara county to understand and counter the proposed public charge rule:

- Education & Outreach Services
- Training to Non-Legal Service Providers
- Attorney Capacity & Training for Professional Legal Service Providers
- Collaborative Strategic Communication Plan

County residents have a current and urgent need for advice and accurate information. Therefore, moving quickly is critical to serving the community effectively. Unfortunately, most immigration legal service providers do not possess subject matter expertise in the area of public benefits. Many of them lack the necessary knowledge about the immigration consequences under the new rule of public benefit use and maybe providing County residents with incomplete or inaccurate information, which may lead to increased fear among the County’s most vulnerable populations. In Santa Clara County, three CBO’s, Asian Law Alliance, Bay Area Legal Aid, and the Law Foundation have been identified as having both the expertise and the capacity to provide legal services in the area of immigration and public benefits.

During the January 28th Board of Supervisors Meeting, OIR, in partnership with the Social Service Agency, will recommend appropriation modification of $90,000 and the amendment of three Immigrant Outreach and Legal Representation contracts including, Bay Area Legal Aid, Law Foundation of Silicon Valley, and Asian Law Alliance in response to the proposed Public Charge rule and to support Santa Clara County residents. OIR anticipates the funding will positively and directly impact County residents over the next five months. We expect the current response plan to positively impact and directly support thousands of county residents: legal service agencies will provide a minimum of 260 hours of direct legal consultations, 10 large scale community presentations for up to 800 individuals, training opportunities for over 450 non-legal service providers, and over 60 training opportunities for legal services providers and attorneys in Santa Clara County. Additionally, we will be providing social media, television and radio outreach efforts in multiple languages to further increase impact in the immigrant community.

According to the Migration Policy Institute, immigrant communities will be chilled from using benefits due to the Rule, and it is possible that tens of thousands of immigrants and their families in Santa Clara County will be apprehensive about applying or staying enrolled in public benefits, and may even disenroll from public benefits programs that they are currently receiving.
The Trump Administration’s plan to expand the Public Charge Rule has negatively impacted the immigrant community across the nation and in the County. Even though most immigrants are not covered by the Public Charge Rule, an overreliance on the media for information, combined with the lack of access to accurate sources for information and legal consultation, have caused many immigrant families to decide to disenroll or forgo public benefit programs. OIR believes that affected communities’ fear is resulting in the following harmful consequences based on OIR’s research and outreach to affected communities, County staff, and third-party assessments:

- The Public Charge Rule is having a negative impact as it is discouraging immigrants and their U.S. citizen family members from accessing much-needed health, nutrition, and social services.

- The Public Charge Rule is further building a barrier to effectively provide essential services to the most vulnerable populations in Santa Clara County.

In response to these negative impacts on the residents of the County, OIR will work diligently to implement the proposed response plan swiftly and as soon as funding is approved on January 28th.

**Current Status of the Public Charge Rule:** On August 12, the Department of Homeland Security (DHS) announced its new Public Charge Rule and stated it would take effect on October 15, 2019. Due to several lawsuits, including one filed by the County, five federal district courts prevented the implementation of the new Rule, issuing state and nationwide injunctions. The Administration then appealed those injunctions to intermediate appellate courts. All but two of those courts stayed the injunctions before them, including the Ninth Circuit which stayed the injunction the County had obtained. On Monday, January 27th, 2020, the Supreme Court allowed the Trump Administration to begin implementation of Public Charge Rule, everywhere except the State of Illinois.