

PROTECTING IMMIGRANT FAMILIES

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Training Will Cover:



- Eligibility for state and federally funded child care
- How to work with immigrant families in an environment of heightened fear
- What to say about the new public charge rule
- Best practices and practical resources you can offer immigrant families
- Census 2020



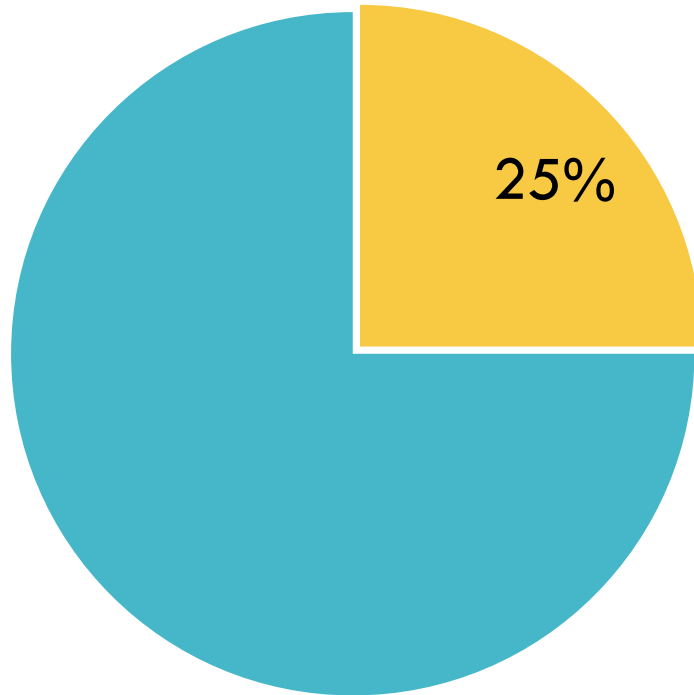
Discussion Questions



- Are you working with [many] families where someone may be undocumented?
- What are some of the issues that you are seeing for immigrant families?
- If not in subsidized care, who is taking care of the children while parents work?

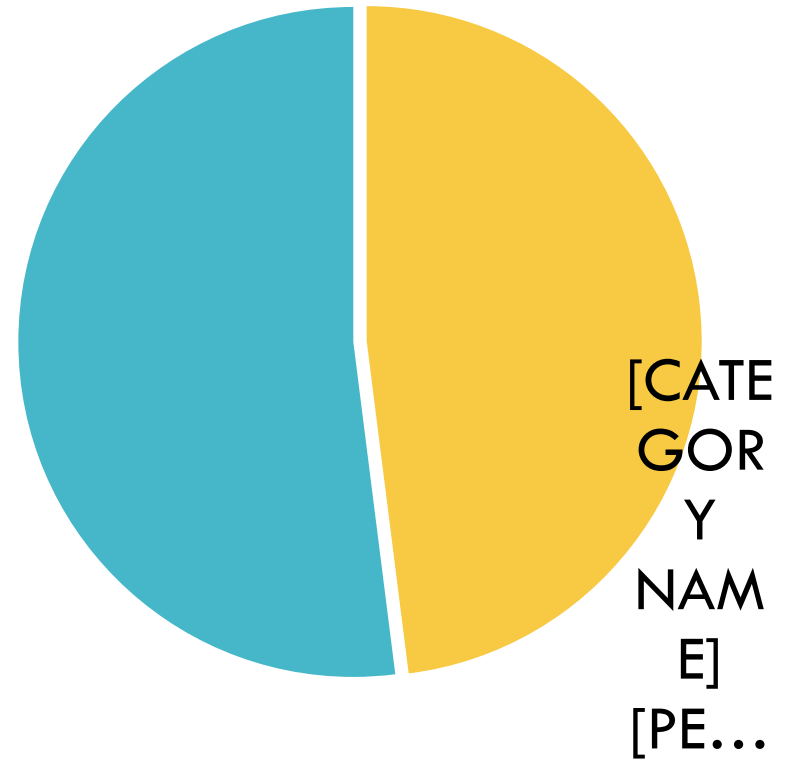
2017

Children 0-5: United States



25% live in immigrant families

Children 0-5: California



48% live in immigrant families

Source: Migration Policy Institute: www.migrationpolicy.org

Current Environment



- Federal policy decisions that limit immigration, increase fear, and make life more difficult for immigrant families in the U.S.

- Implications - Chilling effect on use of healthcare, child care and other services
 - People afraid to apply; asking to be dis-enrolled from WIC, MediCal, and other programs
 - Lawful permanent residents mistakenly believe it will be taken away

Immigrants Are Eligible for Child Care



- **NO restrictions on state-funded child care or public education:**
 - “eligibility for child care services shall be without regard to immigration status” of parent or child, unless child or parent under a final order of deportation.

- **Federal Child Care Programs**
 - **Head Start:** No immigrant restrictions.
 - **TANF:** Only used for CalWORKs child care, which has its own immigrant restrictions
 - **CCDBG:** Eligibility based on immigration status of the child, not the parent(s). In most cases, restricted to “qualified immigrants,” but...
 - Head Start collaborations are exempt from immigrant restrictions.
 - If program is subject to educational standards, no immigrant restrictions.

Protecting Client Information



- All family information collected shall be confidential; only used/disclosed for direct program reason
- Child care contractors should not be collecting SSN information from families – no longer on application, see [Management Bulletin 17-20](#)
- California law protects privacy of client information.
 - Don't release without a judge-signed subpoena

Protections for Foreign-born and LEP Persons



- ❑ Agencies that receive federal financial assistance may NOT discriminate based on race, color, or **national origin**.
- ❑ Agencies must take reasonable steps to provide Limited English Proficient (LEP) individuals with meaningful access to their programs.
- ❑ California law requires bilingual access.

Oct. 15, 2019: New Public Charge Definition



- ❑ A person who is considered *likely to receive* a public benefit in future, based on all of person's circumstances:
 - ❑ Health, age, education/skills (including English)
 - ❑ Income and Assets – wealth test
 - ❑ 12 months' use of one or more public benefit programs in last 36 months
 - ❑ Affidavit of Support
 - ❑ Family Status

What Benefits Will Count?



- ❑ State, Local and Federal Cash Assistance
- ❑ SNAP (CalFresh)
- ❑ Federal Housing Assistance
- ❑ Non-Emergency Medi-Cal (except children under 21, pregnant women)

NOT Considered in Public Charge



- ❑ CHILD CARE
- ❑ Benefits received before 10/15/19
- ❑ Benefits received by family members of applicant
- ❑ MediCal for emergency medical conditions, children under 21 and pregnant women
- ❑ CHIP or Affordable Care Act (Covered CA) subsidies
- ❑ WIC
- ❑ ALL school nutrition programs

Does the Public Charge Test Apply to Everyone?



NO. Applies

- People seeking a green card (LPR)
- When seeking to enter the U.S. with a visa

Does NOT Apply

- To refugees, asylees, and survivors of domestic violence, trafficking
- When lawful permanent residents (green card holders) apply for U.S. citizenship

Children's Use of Benefits



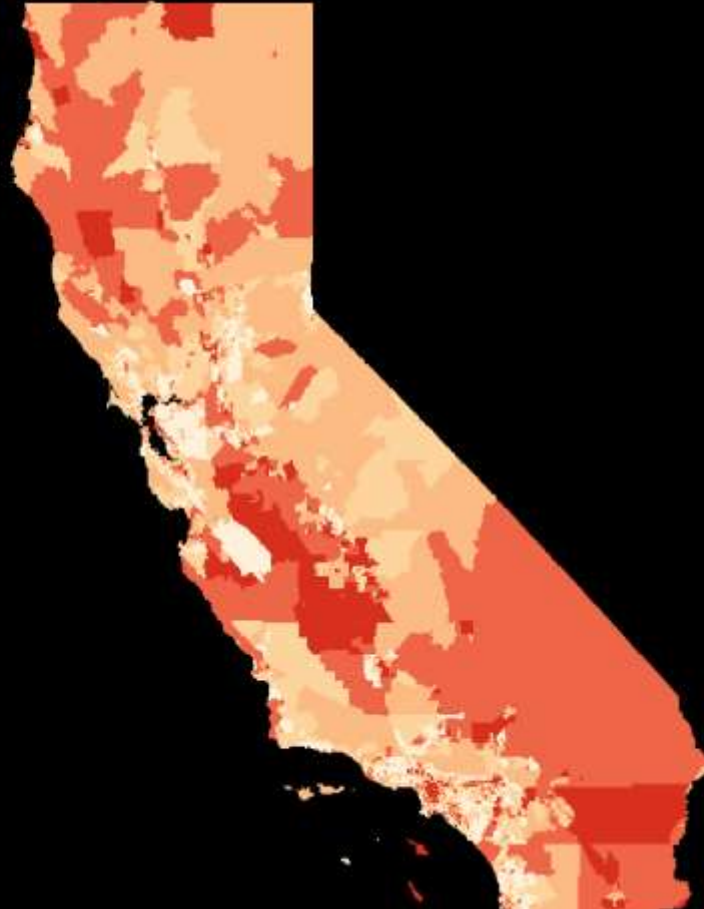
- The receipt of public benefits by a U.S. citizen child will not ***directly*** be a factor in a parents' public charge test.
- If a **child** is an immigrant, his/her own use of benefits counts toward his/her own public charge determination.

Why 2020 U.S. Census Matters



- \$500 Billion/year in federal funds distributed based on census count
- Political representation in Congressional districts
- Civil Rights enforcement

CA Hard to Count Census Map



Key Takeaways



- Immigrant status of parent or child doesn't matter for child care eligibility
- Child care is **not** considered in public charge determination
- The new public charge proposal is meant to confuse and frighten immigrant families from accessing critical health, nutrition, child care benefits that support their healthy development.

Hot Links Page:



- Abriendo Puertas: [Spanish-language video](#) to support immigrant parents of young kids
- [ACLU Know Your Rights \(Spanish\)](#)
- [Family Preparedness Plan](#)
- [Creating “Safe Space” Policies for Early Childhood Programs](#)
- [Public Charge: Getting the Help you Need: English](#)
- [Public Charge: Getting the Help you Need: Spanish](#)
- [Public Charge: Getting the Help you Need: Chinese](#)
- <https://census.ca.gov/resources/>
- Visit www.childcarelaw.org for more information



Child Care Law Center Is Here To Help



How can CCLC help you?

- ❑ Publications
- ❑ Call or e-mail attorneys
- ❑ Information & Referral Service

Contact

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