



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Blvd ♦ Saint Paul, MN 55155-1611

June 21, 2018

The Honorable Mick Mulvaney  
Director  
Office of Management and Budget  
725 17th Street NW  
Washington, DC 20503

Dear Director Mulvaney:

Minnesota has a vibrant immigrant community that contributes to the culture, diversity, and economy of our state. Our state population includes roughly 430,000 foreign-born individuals, making up 8 percent of our population. It also includes large refugee communities.<sup>1</sup> These individuals are contributing members to our state and add value to our schools, our neighborhoods, and our work force.

I am very concerned about the direction your administration has taken on a number of immigration issues: the discontinuation of the Deferred Action for Childhood Arrivals policy, the President's travel ban on Muslims, the termination of Temporary Protected Status to foreign nationals from six countries, the capping of refugee admissions to a historic low of 45,000 in 2018, cuts to refugee resettlement, the insistence on a southern border wall, and the inflammatory rhetoric that accompanies many of these policies.

I am also deeply concerned about a Notice of Proposed Rulemaking from the U.S. Department of Homeland Security that reportedly is under consideration by the Office of Management and Budget (RIN 1615-AA22). This proposed rule, drafts of which have been reported by the national press, would change the way Homeland Security makes Public Charge determinations in immigration decisions.

As you know, people are presently classified as "Public Charges," if they have received cash assistance from the Temporary Assistance for Needy Families program or Social Security Income. Someone, who has received long-term care at the government's expense, would also be considered a "Public Charge." If someone is deemed a Public Charge, she or he is prohibited from receiving legal permanent status or entering the United States.

According to the available draft, the rule under consideration would greatly expand the range of benefits that would deem someone a Public Charge by including receipt of the following public benefits:

- Non-emergency Medicaid
- Children's Health Insurance Program
- Affordable Care Act health care subsidies
- Supplemental Nutrition Assistance Program (the program formerly called "food stamps")
- Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (also known as "WIC")
- Section 8 housing vouchers
- Low-Income Home Energy Assistance Program (LIHEAP)
- Earned Income Tax Credit (EITC)
- Social Security Income
- Temporary Assistance for Needy Families
- State or local cash benefit programs for income maintenance (i.e., "General Assistance")
- Institutionalization for both long-term and short-term care at government expense

The draft rule proposes that any individual who is lawfully in the U.S. who receives the above-listed benefits would be considered a "Public Charge" which would disqualify him or her from admission to the U.S. or from becoming a lawful permanent resident. A particularly egregious aspect of this draft rule is that *it would include benefits received by an applicant's American citizen children*. If an applicant's citizen child has accessed any of these benefits for which he or she is legally eligible, it would make their parents a "Public Charge" and thus threaten their parents' immigration status and possible family reunification.

Sadly, the rule is already having an effect, regardless of the fact that it has yet to be released. Social service providers in Minnesota report that just the prospect of this draft rule has begun causing children and adults to fear accessing safety net programs. These programs help address poverty, hunger, and access to health care, and they serve the most vulnerable Minnesotans, who are struggling to meet their most basic needs.

Frightening people away from accessing needed social programs is particularly dangerous for Minnesota's children. Leaving children in situations of deprivation contributes to adverse childhood experiences, which have lifelong consequences in school achievement, health, and productivity. Providing the very basics like health care, enough to eat, stable housing, and other supports to children living in poverty are investments in Minnesota's future economic and social stability and are investments that my administration has championed.

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I recognize that the draft rule would exempt refugees and asylees. Refugees reach Minnesota having experienced extreme trauma and hardship, fleeing their home countries and arriving with few possessions. Refugees have limited experience with public programs and rely heavily on information circulated by word of mouth. Immigration and program eligibility rules are complicated and easily misunderstood. This rule risks that a *far larger group* of immigrant/mixed status families like refugees would withdraw or not apply for benefits for which they are eligible than the narrower group that would be subject to the public charge determination.

Making eligible women, men, and children afraid to access health care coverage causes serious public health consequences. If people decide to forego well-child visits or receive needed immunizations because they withdraw from health care coverage, the entire state is put at risk for preventable disease outbreaks. Last year's measles outbreak in Minnesota cost our state over \$1 million. Likewise, pregnant women should never be deterred from accessing needed prenatal care or well-baby visits. Restricting health care access often results in people allowing their health problems to worsen before being treated. Such an increase in uncompensated care drives up the cost of health care for everyone in our state.

In closing, this draft rule would create serious barriers to programs, which protect public health, encourage participation in our state's economy, and enhance the well-being of Minnesota's children and families. I urge you in the strongest possible terms to reject this harmful, cruel draft rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is stylized and cursive.

Mark Dayton  
Governor

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<sup>1</sup> Minnesota State Demographic Center, Immigration & Language: <https://mn.gov/admin/demography/data-by-topic/immigration-language/>