



**RESILIENCE**  
EMPOWERING  
SURVIVORS  
ENDING SEXUAL  
VIOLENCE

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Submitted via [www.regulations.gov](http://www.regulations.gov)

U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, D.C. 20529-2140

Re: DHS Docket No. USCIS-2010-0012 - Comments in Response to Proposed Rulemaking Inadmissibility on Public Charge Grounds

Dear Sir/Madam:

On behalf of Resilience, formerly known as Rape Victim Advocates (RVA) in Chicago, Illinois, I am submitting comments in response to the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking Inadmissibility on Public Charge Grounds published in the Federal Register on October 10, 2018 to express our strong opposition to the changes regarding "public charge." Resilience has grave concerns regarding the immense harm that the proposed public charge rule will have on immigrant survivors of domestic violence and sexual assault as well as their families and children.

Resilience is an independent, not-for-profit organization dedicated to the healing and empowerment of sexual assault survivors through non-judgmental crisis intervention, individual and group trauma therapy, and medical and legal advocacy in the greater Chicago metropolitan area. We also provide public education and institutional advocacy in order to improve the treatment of sexual assault survivors and to effect positive change in policies and public attitudes toward sexual assault. We serve over 2000 survivors and their loved ones each year, in addition to reaching nearly 20,000 children and adolescents in schools through our prevention education services. Since 1974, we have been regarded as leader in the sexual assault movement in Illinois, often sought after as a trainer for

professionals such as law enforcement and medical providers, in addition to a collaborator and stakeholder in policy and legislation that effects victims of gender-based violence.

The expanded benefits specified in the proposed rules on inadmissibility based on public charge grounds represent some of the largest federal programs for low-income people by total expenditure that address basic living needs such as income, housing, food, and medical care. If finalized, the rule will have a dramatic impact on legal immigration by limiting who can come to the U.S. and by slowing down the processing of those eligible to come to the U.S. or eligible to change visa status. We fear immigrant survivors and their families will likely drop out of or forgo enrollment in benefits programs when they are otherwise eligible, out of fear of the immigration consequences of using government assistance, even if the benefit program would have no impact on a public charge finding.

Additionally, a reduction in use of benefits by immigrant households will have a negative impact on children, including those with immigrant parents, in addition to victims of crime, some of our most vulnerable populations. The proposed rule itself acknowledges that the changes could lead to the following negative consequences arising from a drop-in benefits usage: worse health outcomes, increased use of emergency rooms, increased prevalence of communicable diseases, and more. There are already widespread reports of immigrants disenrolling from nutritional and other programs for which they are eligible because they've heard news about the rule change.<sup>1</sup>

### **The Nexus between Poverty, Victimization and Child Abuse**

In Illinois specifically, 1 in 4 children have an immigrant parent<sup>2</sup> with the proposed rules preventing the access to essential healthcare, nutritious food and secured housing to a potential

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<sup>1</sup> Chilling Effect, The Expected Public Charge use and Its Impact on Legal Immigrant Families, Migration Policy Institute June 2018

<sup>2</sup> Data on Impact of Proposed Public Charge Rule in Illinois, Protecting Immigrant Families

750,000 children.<sup>3</sup> As an agency that provides essential prevention education services to children and adolescents, we fear the impact these regulations will have on their physical and mental well-being. By the Departments own admission, the policies spelled out on the proposed rule would “erode family stability and decrease disposable income of families and children because the action provides a strong disincentive for the receipt or use of public benefits by aliens as well as their household members including U.S. children.”<sup>4</sup> For millions of families, Medicaid, Supplemental Nutrition Assistance Program (SNAP) and housing assistance are lifelines that keep them living above poverty.<sup>5</sup> The proposed initiatives would change the lives of numerous families where individual success is critical to the strength of our country’s workforce, economic security and safety.

The investment in our children should be our highest priority as they live and grow up in our communities. Healthy development and education are put at risk by destabilizing immigrant families, particularly the 91% who have children that were born in the United States and are therefore U.S. citizens under the 14<sup>th</sup> Amendment of our Constitution.<sup>6</sup> Forcing parents to choose between their ability to remain or reunite with their family and accessing critical benefits will harm all U.S. citizens. Our future and health are tied to all children, their experiences, development and education and we all face potential consequences if not nourished.

Persons in poor households at or below the Federal Poverty Level (FPL) more than double the rate of violent victimization as persons in high-income households in addition to persons in poor households having a higher rate of violence involving a firearm compared to persons above the FPL.<sup>7</sup>

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<sup>3</sup> Based on [http://povertylaw.org/files/advocacy/early-childhood/SC\\_FactSheet\\_R1.2.pdf](http://povertylaw.org/files/advocacy/early-childhood/SC_FactSheet_R1.2.pdf)

<sup>4</sup> <https://apps.washingtonpost.com/g/documents/world/read-the-trump-administrations-draft-proposal-penalizing-immigrants-who-accept-almost-any-public-benefit/2841/>

<sup>5</sup> <https://ccf.georgetown.edu/2017/03/09/medicaid-how-does-it-provide-economic-security-for-families/>

<sup>6</sup> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.

<sup>7</sup> <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5137>

Gun violence is also strongly correlated with both poverty and inequality.<sup>8</sup> Additionally, poverty and crime statistics have demonstrated that when people can meet their basic needs and have access to education and health services, their standard of living improves. When their standard of living improves, people are more likely to meet their needs through legitimate means,<sup>9</sup> which in turn, can contribute to a reduction of crime. This is true for youth in impoverished communities as well. Often youth feel the pressure of strained financial resources at home and in their communities and may in turn find other means to support their needs that could equate to committing criminal acts (such as theft or shoplifting).

As many as 1 in 5 girls and 1 in 20 boys is a victim of child sexual abuse.<sup>10</sup> The effects on child survivors will be particularly made worse by these rules. Family poverty, which will increase among immigrant families without access to stable housing and food assistance, will also significantly increase the risk of childhood maltreatment in all forms.<sup>11</sup> Children in poor families are three to seven times more likely to experience maltreatment.<sup>12</sup> This is likely due to higher levels of family and neighborhood risk factors for maltreatment among poor families.<sup>13</sup> The risk of child sexual abuse specifically has also been found to be associated with poverty.<sup>14</sup>

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<sup>8</sup> <https://luskin.ucla.edu/connection-poverty-inequality-firearm-violence/>

<sup>9</sup> <https://vittana.org/26-poverty-and-crime-statistics>

<sup>10</sup> <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/child-sexual-abuse-statistics>

<sup>11</sup> Onset of physical abuse and neglect: psychiatric, substance abuse, and social risk factors from prospective community data. Chaffin M, Kelleher K, Hollenberg J Child Abuse Negl. 1996 Mar; 20(3):191-203.

<sup>12</sup> Sedlak AJ, Mettenburg J, Basena M, Petta I, McPherson K, Greene A, Li S. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress, Executive Summary. 2010 Retrieved from [http://www.acf.hhs.gov/programs/opre/abuse\\_neglect/natl\\_incid/index.html](http://www.acf.hhs.gov/programs/opre/abuse_neglect/natl_incid/index.html).

<sup>13</sup> Is the overrepresentation of the poor in child welfare caseloads due to bias or need? Jonson-Reid M, Drake B, Kohl PL. Child Youth Serv Rev. 2009 Mar; 31(3):422-427.

<sup>14</sup> Defining maltreatment according to substantiation: distinction without a difference? Hussey JM, Marshall JM, English DJ, Knight ED, Lau AS, Dubowitz H, Kotch JB. Child Abuse Negl. 2005 May; 29(5):479-92.

Various community characteristics are also associated with child maltreatment.<sup>15</sup> Chief among these is neighborhood poverty.<sup>16</sup> The higher the poverty rate in a community, the higher the risk is of maltreatment.<sup>17</sup> Neighborhoods with the highest poverty rates have sexual abuse reporting rates four times higher than neighborhoods with the lowest poverty rates.<sup>18</sup> While it should be noted that poverty does not *cause* child sexual abuse or maltreatment specifically, it does impact parental and community stress, in turn impacting positive, stable and consistent adult involvement in children's lives. Additionally, impoverished families are also more likely to have involvement with Child Protective Services putting families at risk of separation and possible charges against non-offending parents. Children who have unstable homes may be placed in youth or foster homes. This placement may occur because home life is volatile or unsafe, including concerns around lack of access to food, stable housing, healthcare and other supports immigrant families may not be able to afford without assistance from SNAP, Medicaid and housing subsidies. A study by John Hopkins University found that children who are in foster care are four times more likely to be sexually abused than other children not in this setting. Additionally, children who are in group homes are 28 times more likely to be abused than children not living in these homes.<sup>19</sup>

While the proposed rule defines public charge determinations for admissibility and is not aimed to govern the rules for deportability. DHS has said in a statement that the Justice Department will engage in parallel rulemaking to set the rules governing public charge and deportation. Given the

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<sup>15</sup> How neighborhoods influence child maltreatment: a review of the literature and alternative pathways. Coulton CJ, Crampton DS, Irwin M, Spilsbury JC, Korbin JE. Child Abuse Negl. 2007 Nov-Dec; 31(11-12):1117-42.

<sup>16</sup> Note, that poverty alone is not a contributing factor for increased crime statistics, including child maltreatment. Over-policing of black and brown communities also leads to increased reports filed by police and therefore an increase in the statistical data available for these communities.

<sup>17</sup> Community level factors and child maltreatment rates. Coulton CJ, Korbin JE, Su M, Chow J. Child Dev. 1995 Oct; 66(5):1262-76.

<sup>18</sup> Understanding the relationship between neighborhood poverty and specific types of child maltreatment. Drake B, Pandey S. Child Abuse Negl. 1996 Nov; 20(11):1003-18.

<sup>19</sup> <https://www.hg.org/legal-articles/sexual-abuse-an-epidemic-in-foster-care-settings-6703>

current state of separating children from families by ICE and the sexual abuse reports of both adult<sup>20</sup> and children<sup>21</sup> in immigrant detention facilities, the safety of children and their parents while facing the potential consequences of the proposed public charge rules is of the highest concern. These families should be allowed to access the critical housing, healthcare and food needed to thrive in our county. Without this support we set them up for grave failure and harm.

The inclusion of Medicaid, SNAP, and housing assistance will likely lead individuals, including immigrant parents, to withdraw or disenroll from benefit programs that support health, wellbeing and financial security. Because the new rule targets family-based immigration as well as low to moderate wage workers through its guidance on age, having a large family, assets, education and skills, it will also disproportionately effect families with dependents and specifically people and families of color.

The harm of the proposed rules is clearly outlined throughout the proposal where costs damaging to schools, child development programs, hospitals and clinics will be significant.<sup>22</sup> If this proposed rule is finalized it will deter as many as 26 million people from receiving critical supports.<sup>23</sup> Citizen children of immigrant parents will be the most harmed, as parents will be afraid to access support they are eligible for such as healthcare and food. In Illinois alone an estimated 1.04 million immigrants and their families will be deterred from accessing healthcare, nutrition and housing assistance.<sup>24</sup> The new rule would also punish immigrants if they receive food assistance through the

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<sup>20</sup> <https://www.aclu.org/issues/immigrants-rights/immigrants-rights-and-detention/sexual-abuse-immigration-detention-0>

<sup>21</sup> <http://fortune.com/2018/07/28/girl-sexually-abused-detention-facility/>,  
<https://www.nytimes.com/2018/08/03/us/sexual-abuse-arizona-migrant-children.html>,  
[https://broadly.vice.com/en\\_us/article/qvmwpm/southwest-key-immigrant-detention-center-sexual-abuse](https://broadly.vice.com/en_us/article/qvmwpm/southwest-key-immigrant-detention-center-sexual-abuse)

<sup>22</sup> <https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>

<sup>23</sup> 2012-2016 5-Year American Community Survey Public Use Microdata Sample (ACS/PUMS); 2012-2016 5-Year American Community Survey (ACS) estimates accessed via American FactFinder. Custom Tabulations by Manatt Health, 5/16/2018. Calculation of Potentially Chilled Population, based on families with at least one non-citizen and earned income under 250% of the federal poverty line.

<sup>24</sup> 2012-2016 5-Year American Community Survey Public Use Microdata Sample (ACS/PUMS); 20122016 5-Year American Community Survey (ACS) estimates accessed via American FactFinder; Missouri Census Data Center

SNAP by jeopardizing their ability to stay in the United States, hurting the ability of families to put food on the table. This will increase hunger throughout immigrant communities, putting the health and well-being of children at risk. Federal nutrition programs like SNAP were designed by Congress to be there for all citizens and eligible legal immigrants when they fall on hard times. This rule undermines congressional intent and our longstanding federal commitment to helping those who struggle to have enough healthy food.

The proposed rule also harms immigrants and their families applying for and receiving critical housing and homelessness assistance. As drafted, the rule departs from longstanding immigration policy where use of these critical, life-sustaining programs were not counted against immigrants and their families. The rule specifically targets low-income immigrants, a population that already faces substantial barriers to housing.<sup>25</sup> This outcome will not only hurt these families while they struggle to find housing in the short term, but will lead to reduced opportunities and increased health problems for these families in the long term.<sup>26</sup> Studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, loss of employment, and mental health problems.<sup>27</sup> Having safe and stable housing is crucial to a person's good health, sustaining employment, and overall self-sufficiency. These effects will be particularly prominent in children, many of whom are U.S. citizens, who are part of immigrant families. Research has shown that economic and housing instability

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(MCDC) MABLE PUMA-County Crosswalk. Custom Tabulation by Manatt health, 9/30/2018. Found online at <https://www.manatt.com/Insights/Articles/2018/Public-Charge-Rule-Potentially-Chilled-Population>.

<sup>25</sup> ROBERT WOOD JOHNSON FOUND., LIVING IN AMERICA (Katherine E. Garrett ed., 2006), <https://www.rwjf.org/en/library/research/2006/08/living-in-america.html>.

<sup>26</sup> Megan Sandel et al., Unstable Housing and Caregiver and Child Health in Renter Families, 141 PEDIATRICS 1 (2018), <http://pediatrics.aappublications.org/content/141/2/e20172199>.

<sup>27</sup> See Will Fischer, Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children, CENTER ON BUDGET AND POLICY PRIORITIES (October 7, 2015), <https://www.cbpp.org/research/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-longterm-gains>; see also Linda Giannarelli et al., Reducing Child Poverty in the US: Costs and Impacts of Policies Proposed by the Children's Defense Fund (Jan. 2015), <http://www.childrensdefense.org/library/PovertyReport/assets/ReducingChildPovertyintheUSCostsandImpactsofPoliciesProposedbytheChildrensDefenseFund.pdf>.

negatively impacts children's cognitive development, leading to poorer life outcomes as adults.<sup>28</sup>

Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students' high suspension rates, school turnover, truancy, and expulsions, limiting students' opportunity to obtain the education they need to succeed later in life.<sup>29</sup> This correlation is one we are far too familiar with in the City of Chicago.

### **Harm to Domestic Violence and Sexual Assault Survivors**

The public charge rule represents an extreme change in current policy and will also harm victims of domestic and sexual violence and their ability to obtain and maintain safety as a result of abuse. While some victims seek certain survivor-specific forms of immigration status, such as protections under the Violence Against Women Act and U visas, and are exempt from the public charge ground of inadmissibility, the exception will not protect a large number of victims from the detrimental effects of the public charge rule. Survivors hold all forms of immigration status, from U.S. citizenship to permanent residency to those immigrating through family or employment sponsorship, or as foreign students, temporary workers, and diversity visa applicants.<sup>30</sup>

Domestic and sexual violence is widespread in our communities with one in three women and one in six men experiencing some form of sexual violence in a lifetime and more than 12 million men and women experiencing rape, physical violence, or stalking by an intimate partner each year in the

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<sup>28</sup> HEATHER SANDSTROM & SANDRA HUERTA, THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS (2013), <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

<sup>29</sup> See Mai Abdul Rahman, *The Demographic Profile of Black Homeless High School Students Residing in the District of Columbia Shelters and the Factors that Influence their Education* 55 (Mar. 2014) (Ph.D. dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).

<sup>30</sup> Dutton, M.A., Orloff, L.E., Hass, G.A. (2000). Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications. *Georgetown Journal on Poverty Law & Policy*, 7(2), 1-53.; Erez, E., Adelman, M., Gregory, C. (2009). Intersections of Immigration and Domestic Violence: Voices of Battered Immigrant Women. *Feminist Criminology*, 4(1), 32-56. DOI: 10.1177/1557085108325413.



United States.<sup>31</sup> The rules as proposed, discourages survivors from seeking or utilizing safety net benefits that are crucial to survivors' ability to escape or recover from abuse and trauma. It works to punish survivors of domestic violence and sexual assault for the violence they've experienced and isolates survivors from their families, which are often essential sources of support when escaping and recovering from abuse.

The proposed rule greatly expands the range of public assistance programs that will now count against an individual in deciding whether someone is likely to become a public charge, including crucial programs that victims need to escape abuse and meet basic needs. While domestic violence and sexual assault occurs across economic groups, there are unique challenges and barriers at the intersection of domestic and sexual violence and financial hardship as abuse can result in victims falling into poverty. Financial barriers prevent victims from leaving abusive relationships. The Centers for Disease Control has concluded that improving financial security for individuals and families can help reduce and prevent intimate partner violence.<sup>32</sup> Access to economic security programs and other safety net benefits therefore play a pivotal role in a victim's ability to escape and overcome domestic violence and sexual assault, helping victims afford the basics (such as food, housing, and healthcare) and rebuild their lives after violence.

Housing assistance is a vital resource for survivors, giving them the security they need to leave abuse without having to fear that doing so will result in homelessness, as well as providing a safe environment to begin their recovery. One of the greatest needs identified by survivors is affordable housing. In a single day, domestic violence programs across the United States received but were unable

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<sup>31</sup> Centers for Disease Control and Prevention. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report. Available at: <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>

<sup>32</sup> Centers for Disease Control and Prevention. (2011). Sexual Violence, Stalking, and Intimate Partner Violence Widespread in the US. Available at: [https://www.cdc.gov/media/releases/2011/p1214\\_sexual\\_violence.html](https://www.cdc.gov/media/releases/2011/p1214_sexual_violence.html)

to meet nearly 7,500 requests for housing services.<sup>33</sup> The inability to find and maintain affordable housing puts survivors at extreme risk of homelessness. In the City of Chicago, we currently only have 160 beds for domestic violence survivors for the entire city.

Between 22 and 57% of all homeless women report that domestic violence was the immediate cause of their homelessness<sup>34</sup>, and victim service providers, advocates, and allies across the United States report that survivors became homeless as a result of sexual violence.<sup>35</sup> Additionally, homeless women are particularly vulnerable to multiple forms of victimization including forced, coerced, or manipulated sexual activity. Levels of victimization that women endure before, during, and after episodes of homelessness remain enormously high, often occurring in multiple settings at the hands of multiple perpetrators.<sup>36</sup> Sexual assault survivors may be forced to leave their housing and/or employment as a result of the violence, and become even more at risk for sexual violence as a result.<sup>37</sup> Without housing, sexual assault victims report that other services to address the violence were not likely to be helpful. For many survivors, the decision to leave abuse hinges on the question of where they would go. Housing assistance provides the answer that survivors need, and creates a pathway to safety.

For sexual violence survivors specifically, the viral hashtags #MeToo and #TimesUp, and the recent and increasing number of sexual assault allegations from many different industries make the

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<sup>33</sup> National Network to End Domestic Violence. 2018. Domestic Violence Counts: 12th Annual Census Report. Available at <https://nnedv.org/content/domestic-violence-counts-12th-annual-census-report/>.

<sup>34</sup> Wilder Research Center, Homelessness in Minnesota 2003 22 (2004); Center for Impact Research, Pathways to and from Homelessness: Women and Children in Chicago Shelters 3 (2004); Nat'l Center on Family Homelessness & Health Care for the Homeless Clinicians' Network, Social Supports for Homeless Mothers, 14 26 (2003); Inst. For Children & Poverty, The Hidden Migration: Why New York City Shelters Are Overflowing with Families (2004); Homes for the Homeless & Inst. For Children & Poverty, Ten Cities 1997-1998: A Snapshot of Family Homelessness Across America 3 (1998); Virginia Coalition for the Homeless, 1995 Shelter Provider Survey (1995)(out of print), cited in Nat'l Coalition for the Homeless, Domestic Violence and Homelessness: NCH Fact Sheet #8 (1999).

<sup>35</sup> National Sexual Violence Resource Center. 2010. Housing and Sexual Violence: Overview of national survey: January 2010. Available at [http://www.nsvrc.org/sites/default/files/NSVRC\\_Publications\\_Reports\\_Housing-and-sexual-violence-overview-of-national-survey.pdf](http://www.nsvrc.org/sites/default/files/NSVRC_Publications_Reports_Housing-and-sexual-violence-overview-of-national-survey.pdf)

<sup>36</sup> <https://vawnet.org/material/no-safe-place-sexual-assault-lives-homeless-women>

<sup>37</sup> See, e.g., Loya, R. M. (2014) Rape as an economic crime: The impact of sexual violence on survivor's employment and economic well-being. *Journal of Interpersonal Violence*, 30 (16), 2793-2813.doi:10.1177/0886260514554291

prevalence of sexual assault in the workplace even more obvious and therefore the impact of regulations that effect temporary assistance for those not working due to sexual violence in the workplace even more real. In FY2015, the EEOC received over 28,000 harassment claims for both private and public employers. A majority of this at 45 percent were sex-based claims.<sup>38</sup> Other types of harassment claims included harassment on the basis of race, disability, age, national origin and religion, also slated as having an exacerbated impact on immigrant survivors, putting them more at risk to lose jobs due to work being unsafe.<sup>39</sup> At least one in four women experience sexual harassment in the workplace. And the EEOC's study found that, in some reports, that number is as high as 85 percent. Also notable is that one study found that 75 percent of employees who spoke out against workplace mistreatment faced some form of retaliation.<sup>40</sup>

As the entry point to our services resides in our 24-hour in-person crisis support to 14 hospitals across Chicago, averaging nearly 700 calls for services a year, we are also very concerned the lack of enrollment in these programs due to fear, will also affect our hospitals and healthcare systems. These systems account for a large share of Medicaid and CHIP spending, Medicaid now proposed to be included in the regulations. The estimated impact on hospitals is at \$17 billion<sup>41</sup>, with nearly 78% of health care center patients falling below the Federal Poverty Line the decrease in Medicaid reimbursement from Medicaid disenrollment will be devastating; the inclusion of CHIP, will increase this impact.

Access to healthcare is also critical for domestic and sexual violence survivors, many of whom rely on Medicaid, with healthcare systems often being the entry point to seeking help from abuse.

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<sup>38</sup> [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>39</sup> [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>40</sup> <https://www.ncbi.nlm.nih.gov/pubmed/14570522>

<sup>41</sup> <https://www.manatt.com/Manatt/media/Media/PDF/White%20Papers/Medicaid-Payments-at-Risk-for-Hospitals.pdf>

While states are prohibited from billing survivors of sexual assault for evidence collection and some forms of treatment, they vary in coverage for the totality of healthcare treatment outside of the emergency room needed to heal both emotionally and physically from domestic and sexual violence. Often survivors need medication to help deal with the physical and emotional trauma of sexual assault and domestic violence. The prevalence of Posttraumatic Stress Disorder (PTSD) in sexual assault survivors alone has been found to be drastically higher than the national prevalence of the disorder.<sup>42</sup> Survivors are routinely also unable to work and attend school as a result of the trauma, both triggers for negative factors under the proposed rules. As a result, survivors will be punished for the crimes committed against them and deterred from seeking lifesaving support and assistance needed to help them heal.

A study by the Centers for Disease Control and Prevention (CDC) found that more than 550,000 injuries due to IPV require medical attention each year.<sup>43</sup> Service providers report that Medicaid is valuable to the recovery of survivors as it is a benefit many survivors cannot afford, with 76% of providers reporting that healthcare assistance consistently helps the survivors with whom they work. New CDC data found the lifetime per-victim cost of intimate partner violence was \$103,767 for women victims with 59% going to medical costs.<sup>44</sup> Public funding paid 37% of this total cost. It is clear that Medicaid coverage helps survivors access care: when looking at trauma care alone, Kaiser Family Foundation found that Medicaid increased coverage of individuals with traumatic injuries for acute and post-acute care and protects against unexpected medical bills. Survivors are also more likely than others to need mental and behavioral health services because of increased risk for suicide, depression,

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<sup>42</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2323517/>

<sup>43</sup> Centers for Disease Control and Prevention. (2003). Costs of Intimate Partner Violence Against Women in the United States. Available at: <https://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>

<sup>44</sup> Lifetime Economic Burden of Intimate Partner Violence Among U.S. Adults. Peterson C, Kearns MC, McIntosh WL, Estefan LF, Nicolaidis C, McCollister KE, Gordon A, Florence C. *Am J Prev Med.* 2018 Oct;55(4):433-444. doi: 10.1016/j.amepre.2018.04.049. Epub 2018 Aug 22.

anxiety, posttraumatic stress disorder, and substance abuse.<sup>45</sup> Ensuring survivors can get the care they need, when they need it, can improve their health and well-being for the rest of their lives. The proposed rule aggravate the harmful health impacts of domestic violence and sexual assault, including those who are children. Survivors of domestic violence will likely forego critical health services they need to remain healthy and safe. Rather than seek help from a health care professionals or get treatment for related health issues, survivors may instead stay in an abusive situation.

## **Conclusion**

For the reasons detailed in these comments regarding the harm that the proposed public charge rule will have on immigrant survivors of domestic violence and sexual assault, and particularly immigrant children and families, we strongly oppose any change to the public charge rule that will make it more difficult for survivors of violence to access critical protections they need to escape or recover from abuse in addition to effecting the positive development in children. Additionally, the rules will undoubtedly negatively impact immigrant children and children of immigrant parents and their safety from abuse.

We instead urge that the current guidance around public charge remain in effect. Under current policy, only cash “welfare” assistance for income maintenance and government funded long-term care received or relied upon by an applicant can be taken into consideration in the “public charge” test – and only when it represents the majority of a person’s support. The proposed rule would alter the test dramatically, abandoning the enduring meaning of a public charge as a person who depends on the government for subsistence, changing it to anyone, including a survivor, who simply receives assistance with support for health, nutrition, or housing to meet their basic needs. There is ample evidence that

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<sup>45</sup> Trauma-Informed Care in Behavioral Health Services. Treatment Improvement Protocol (TIP) Series, No. 57. Center for Substance Abuse Treatment (US). Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2014.

there is no issue with the current guidance and no persuasive rationale for change, and we therefore urge that DHS maintain reasonable existing guidance.

Thank you for the opportunity to submit comments on the Notice of Proposed Rulemaking Inadmissibility on Public Charge Grounds. Please do not hesitate to contact Sarah Layden, Director of Programs and Public Policy ant Resilience to provide further information at [slayden@ourresilience.org](mailto:slayden@ourresilience.org).