Navigating Public Charge: Best Practices in Community Based Organizations to Mitigate Harm for the Immigrant Community

EXECUTIVE SUMMARY
Since the very first days of the Trump administration, the government has taken actions to undermine the safety, economic stability, and future dreams of many immigrant communities. The public charge rule, which added a wealth test and more scrutiny of public benefits usage to applications for permanent residency, jeopardized many families’ plans for adjusting their immigration status and upended their expectations of access to healthcare, food, and stable housing. The deliberately complex and confusing rule, combined with a long build-up of misleading and terrifying messages, drove many families to retreat from government-funded programs and safety net services.

In the face of the current climate of confusion and efforts to change public policies, many community based organizations (CBOs) have rapidly responded to the emerging needs in their community, developing educational campaigns, outreach plans, and new systems and structures to support immigrant families now endangered by the Federal government. This report identifies a series of best practices that CBOs can employ to mitigate the harm of the current environment on immigrant communities. As detailed below, some of the highlights of best practices for CBOs include:

- Building public charge coalitions
- Providing culturally-competent training and referrals through trusted community messengers and targeted training for key service providers
- Designing effective interventions for promotores, outreach workers, and organizers that incorporate community feedback loops
- Coordination with and between legal services providers
- Developing intra-organizational structures and evaluation systems
- Incorporating public charge into existing funding streams and educating funders

This report provides a window into the work that CBOs have been doing on the ground. By sharing best practices across the country, CBOs can learn from each other and work locally to minimize the harm of the public charge rule for immigrant communities nationwide.

Current Status of Public Charge Rule

At the time of the writing of this paper, implementation of the DHS public charge rule has been halted nationwide following preliminary injunctions from five Federal Courts. The impact of the threat, however, has already been profound. A dramatic chilling effect has caused immigrant families to withdraw from public benefits programs and has destabilized communities that depended upon those programs.

NILC interviewed 26 CBOs across 14 states to learn about their interventions to mitigate the harm for their communities and gathered sample tools and example documents in order to provide pathways for more community groups to join the efforts and learn from the experiences of others in this work. This paper reviews several common best practices among CBOs that can be
adapted to different cities, states, target populations, and contexts. These interventions are particularly effective in combating the chilling effect of the public charge rule, equipping immigrant community members with the information they need to make informed decisions for their families.

Implementing interventions to mitigate the harm of the public charge rule has proven extremely challenging for many immigrant-serving community based organizations. The onslaught of attacks against the immigrant community pushed many CBOs to triage threats and develop programming for those that they felt they could most effectively address, depending upon partners to fill in gaps in areas they could not. Many of the staff of these CBOs are immigrants themselves and feel just as traumatized as the people they serve, needing to prioritize meeting immediate needs while feeling overwhelmed by the multiple, complex concerns their communities are confronting. The cross-cutting nature of an immigration-related rule that addresses public benefits across sectors pushed many organizations to stretch outside their normal areas of expertise. As Ariana Anaya of Foundation Communities shared, “People are very scared to comment on something that could impact someone’s future immigration status. It’s frustrating because it’s not legal advice, and benefits counselors or those serving the community are scared to provide direct, specific answers about public charge.” In addition, many traditional funders did not understand or were unable to support such intersectional interventions, leaving CBOs without sufficient resources for this urgent work.

The two years of a changing policy landscape, as well as the changing detail and substance of what was going to be in the proposed rule, what could be done about it, and when it would be implemented made it extremely difficult for CBOs to stay up-to-date and keep their community well-informed. CBOs struggled to counter the misinformation and pervasive negative narratives that swirled around the issue of public charge. As another challenging factor, asserted Em Puhl of the Immigrant Legal Resource Center, “The public charge policy really tapped into a feeling of shame that already existed in immigrant communities and low-income families in general about asking for help from the government.” The narrative that public benefits are a ‘gift’ that is being usurped by immigrants may have contributed to some eligible families disenrolling out of shame, rather than fear. CBOs worked hard to counter this negative narrative by promoting entitlement programs as rights and tying the use of public benefits to broader economic justice narratives but struggled with supporting their clients to overcome this shame at an individual and group level.

Through all of these obstacles, immigrant-serving CBOs deployed their ingenuity, creativity, and resourcefulness to spread key information, support individual community members, collaborate, and fight the harmful chilling effects of the public charge rule. The best practices highlighted here are the start of many years of work ahead to support threatened immigrant communities, and they will undoubtedly be adapted, evolved, and reinvented in the years to come.

There were some commonalities among all of the interventions reviewed for this study that should serve as a baseline in the development of all public charge interventions. Well-designed interventions were launched with deep listening to the communities most affected by the rule. CBOs described interventions that were responsive and adaptable as the community’s needs changed, and as the rule’s status changed. All of the projects and programs described cultural

“We are basing a lot of our public charge work around the need to provide language access for information that comes out.”

Juleeah Vang, Asian Services In Action, Inc.
**competence** as their foundation of success, as well as standard practices of ensuring their materials and outreach were **linguistically accessible** and at **appropriate reading levels**. CBOs reported their greatest successes in interventions that truly took into account the **context** of their city or state, and that were truly **focused** on the community they were trying to reach. Several CBOs shared that, in hindsight, any shortcuts they had taken for one of these foundational aspects had hampered their success and required considerable re-working of their interventions.

Most organizations reported best practices that fit into at least one of four main categories, outlined below. For more detailed examples, case studies, and sample tools, please see ___.

**Category 1: Coalitions**

Most CBOs channelled and coordinated their public charge work through coalitions. Whether coalitions were statewide or across a city or county, the cross-cutting nature of public charge that intersects the often separate universes of health, housing, food security, immigration legal services, and public benefits law caused several CBOs to formally collaborate with others to respond to their community's needs. Some coalitions already in existence added public charge to their docket of projects or campaigns, and others joined forces as an all-star team to specifically tackle public charge in a targeted effort. Overall, coalition work was an effective way to combine diverse skills and capacities to mount a robust response to attacks on the local community.

**RECOMMENDATIONS:**

Effective coalitions to combat public charge's impact have several key characteristics:

- They have a clear structure, dedicated staffing, and dedicated funding
- They have clarity on their purpose, values, and accountability to each other
- Coalition members represent a diversity of voices, approaches, and sectors
- They are able to leverage and amplify existing networks and relationships to extend the coalition's impact

In many coalitions a lead agency often served as a general clearinghouse for information on public charge, collaborating with more focused community-based organizations to refine materials and approaches and disseminate critical information. Some coalitions were able to channel resources to smaller groups or overlooked geographic areas by strategically leveraging their collective reach.

The work of coordinating a coalition is challenging. Sarah McAfee, Director of Communications for **Center for Health Progress**, explained, “It's hard to put together a functioning coalition and hold it true to its founding principles. Part of this is in the approach to relationship building, centering the people who are directly affected at the heart of the work, and doing a lot of listening to understand people's motivations for participating in the coalition. Continuous communication, clear communication, and mastery of facilitation are important so that when we bring people together, it is a good use of their time.” McAfee stated that members need really good information, ways to engage in the work that suit their capacity and interest, and they need to know they are going to be heard. She affirmed, “When it’s done well, no one notices.”
Category 2: Training and Education

Because of the complex nature of the public charge rule and the communities’ urgent need for accurate information, the vast majority of organizations surveyed invested significant time and energy into training and education. CBOs described training methods for reaching directly to the community and training interventions focused on promotores (health promoters), outreach workers, and community organizers as their most effective and direct ways of disseminating information. CBOs also developed new ways to train front-line staff, all staff in health care organizations, and legal services staff to ensure that concerned community members could count on accurate, reliable information when they reached out to trusted partners for help to navigate what the new rule would mean for them.

“We don’t use powerpoint, because the community doesn’t respond well to that. We give an overview of who we are, then dive into the topic. At the end of it, because we’re an organizing organization, we have a call to act. ... Our main goal is to have folks call us if they have questions, and for them to get to know our organization better.”

Dennisse Calle, Tennessee Immigrant and Refugee Rights Coalition

RECOMMENDATIONS:

Training and educational outreach to different audiences require different methods and approaches:

- For direct community education, use trusted messengers and connect public charge to other concerns and calls to action

- For training promotores and outreach workers, combine community-level education with resources and referral options for them to use with the community

- Front-line, direct services staff need screening tools and frequently asked questions guides

- For healthcare staff, all should receive training on public charge and strong internal referral pathways

- Immigration attorneys and public benefits attorneys can be excellent trainers to each other

CBOs found that their education and training efforts were more successful when they partnered with others and when they provided concrete tools and action steps during the trainings. In direct community education, many CBOs reported bringing an attorney to join a community-based, trusted messenger as a
way to lend greater authority to the information they were sharing, and to provide a more acceptable cultural bridge to the community they were addressing. Outreach workers and direct-service staff were able to put their training into action more easily when provided talking points, resources for legal referrals, and easy-to-use tools to show community members that they would not be subject to public charge. Many immigration attorneys benefited from trainings by public benefits legal services providers to more fully flesh-out their understanding of how to support clients who could face a public charge test.

Category 3: Promotores, Outreach Workers, and Organizers

Operating under a variety of names, community-based lay leaders have been an integral part of many successful navigation interventions around public charge. Health promoters, or promotores/as, are often at the forefront of community conversations on public charge, providing critical guidance to neighbors; outreach workers have been working their ways into the hardest-to-reach communities fearful of anti-immigrant rules and supporting their access to services; and organizers have leveraged their long-standing community relationships to spur individuals to gain more information and take action. Many CBOs reported activating their existing community outreach structures to help the community navigate the confusing messages around public charge. In many cases, lay leaders were a critical link between the impacted community and the resources they needed to support their families.

RECOMMENDATIONS:
Successful public charge interventions using lay leaders feature the following:
- Recruiting from the target community
- Clear training and expectations
- Ongoing support and continuing education
- Structures to incorporate community feedback
- Ensuring lay-leaders’ input in program design

Many organizations distinguish the roles of their outreach workers or promotores from their enrollment staff or health care workers, for example, by focusing the lay leader’s activities on the core skill of motivating the community to take action – to modify their health behaviors, to sign up for a benefits program, to attend a workshop, etc. There is great diversity in approaches to selecting, training, and employing lay leaders, often in response to the cultural norms and practices of the communities they serve. Lay leaders play a unique role as a bridge between CBO staff into the communities they serve, often providing community-focused feedback to organizations and helping guide program development.

In all, the key to success in a lay leadership model is in supporting people from a community in providing education, resources, and organizing activities back into their own communities. Graciela Camarena, director of the health outreach program for Children’s Defense Fund - Texas, explained, “...it all starts with trust – the people who are speaking have received first-hand information, have received training, are familiar with what’s going on because they themselves have experienced that situation, or have family members in the same situation. I say it, but I’ve also lived it.” CDF-Texas’ promotores live in and are from the communities they serve and have a personal mission to build trust
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“...it felt like a partnership: joint development of materials, lots of feedback loops from the folks who are on the front lines, reviews of drafts, getting feedback about what's missing, etc. There was more buy-in from everyone in order to accomplish this work.”
- Anya Rose, Hunger Free Colorado

Category 4: Legal Services

Legal Services interventions were a central part of many organization’s best practices to support clients with public charge concerns. Specifically, robust Medical Legal Partnerships (MLPs) were a particularly effective intervention, whether it was a CBO that housed medical and legal services in the same organization, or one that brought two or more legal and health services organizations together. Several organizations also described interventions that developed connections between the public benefits and immigration law fields as an important way to bridge gaps and prevent community members from getting contradictory advice. For states and regions where legal services were scarce, CBOs strove to establish legal advisor relationships for their frontline staff or legal advice hotlines for the community in order to provide at least a base of legal information for their clients. All CBOs reported requiring strong legal partnerships to serve as a critical resource for their public charge interventions.

**RECOMMENDATIONS:**
Successful legal services interventions in public charge cross traditional boundaries.
- **Medical-legal partnerships can reach significant numbers of people fearful of public charge**
- **Public benefits and immigration law partnerships break down many barriers and restrictions to better serve clients**
Hospitals have begun recognizing the value of MLPs in reducing readmissions, ensuring access to lower acuity care when more appropriate, and improving their reimbursements when patient visits can be covered by insurance. Many hospitals, concerned about public charge driving higher emergency room use among their immigrant patients, have begun to include immigration as a practice within their MLPs. Because poverty law and immigration law practices both must span extremely complex and continually changing policy and regulatory environments, practitioners often specialize in one or the other area of law. In several successful projects across the country, immigration law organizations partnered with poverty law-focused legal aid groups to jointly address public charge through cross-referrals and collaborative legal services. All CBOs spoke of the need for greater investment in legal services to best support their communities.

"The way we do our work is to pick up on immigration concerns in non-immigration universes. ...We are where the intersection is between immigration and non-immigration services provision."
Kate Vickery, Houston Immigration Legal Services Collaborative

Structuring, Evaluating, and Funding Interventions

For most organizations interviewed, work on public charge initiatives required quick thinking and adaptations of their existing organizational structures. The continually changing nature of campaigns and emerging community needs tested internal communications structures, program planning, and the allocation of staff time and resources. Many organizations expressed that they were overwhelmed by the number of attacks on the immigrant communities they serve, and they struggled to find time to thoughtfully develop strategies to meet the communities’ needs. The lack of funding support specifically for this urgent concern often meant that staff were pulled by restricted grant funds into other endeavors and unable to squeeze in time for concentrated public charge work.

RECOMMENDATIONS:
CBOs have implemented successful public charge interventions by:
- Developing cross-departmental committee and communications structures
- Appointing and building internal leadership and expertise on the issue
- Setting clear outreach and activity targets and tracking their outputs
- Developing a framework to evaluate desired outcomes
- Funding their interventions through creative integration of public charge into existing funding streams
- Building awareness of public charge in the funder community
Many CBOs interviewed described appointing a core unit or individuals to be their public charge “leads” or in-house experts to better organize their efforts, stay up to date on the latest information, and train other staff. In many cases, those lead units were ones that had more flexible funding for their staff positions or which could incorporate public charge into their existing funded work. While many organizations had not yet developed deep outcome evaluation methodology yet for their interventions, they did collect data on their outputs in training, community engagement, and navigation support around public charge. Several CBOs reported beginning to build an evaluation framework that prioritized the desired outcomes of the community they served, not just successful public benefits applications or applications for permanent residency, for example, if those were not the best measures of success.

Many organizations incorporated their public charge work into broader funding streams where possible. Several groups incorporated their time spent on public charge into their civic engagement and education budgets, and others were able to secure funding from their state's health insurance exchange to share public charge information as part of enrollment education. Most CBOs reported tapping general support funds or general immigration-focused funding to cover their staff time engaging the community on public charge and felt that their rapid response was critical, regardless of whether they had secured targeted funding. Several CBOs described the funding community as slow to react to this emerging need, and recommended educating funders about public charge whenever possible. Some groups incorporated funders into their coalition work, and others took advantage of grant reports to inform foundations about unmet needs in the community. All CBOs reported a serious need for additional funding for these critical interventions.

Conclusion

The chilling effect of the public charge rule, combined with all of the anti-immigrant policies authored by the Trump administration, will be felt deeply in immigrant communities for many years to come. Just as myths and confusion have lingered for decades since the 1996 PRWORA welfare changes and the 1999 INS public charge guidelines, this rule threatens to undermine the ability of the safety net to support the health, stability, and success of the nation's immigrants for the foreseeable future. As one CBO staff anonymously disclosed, “People used to come in with lots of questions. Now they just don't come in.“ The interventions described above can assist community based organizations in combating misinformation and community fears around public charge and serve as a starting point for the work ahead to mitigate the long-term harm of this anti-immigrant rule.

The nonprofit sector excels in rapidly responding to emerging community needs and resourcefully designing cost-effective strategies to close gaps, reduce harm, and protect vulnerable communities. Immigrant-serving CBOs meet critical needs while also integrating and centering the voices and experiences of immigrant communities in forging more inclusive cities and states and stronger safety nets for all. CBOs across the country have risen to the challenge of a new public charge rule with creativity, know-how, and organizing strength. Their work over the past two years has demonstrated the resiliency of the nonprofit sector and provides many models for the work ahead as the chilling effect continues to threaten the stability of immigrant communities.