

No. 19A785

**In the
Supreme Court of the United States**

DEPARTMENT OF HOMELAND SECURITY, et al.,

Applicants,

v.

NEW YORK, et al.,

Respondents.

I, Janel Heinrich, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. As the Director of Public Health Madison and Dane County (PHMDC), I lead our City and County Health Department's efforts to ensure healthy people and places throughout Dane County, Wisconsin. PHMDC supports and improves health and wellbeing by delivering programs and services related to individual, community, and environmental health to residents. We do this through the observation, monitoring, education, enforcement, and policy advancement of public health best practices in our community. We work with a wide range of community partners to help connect community members with valuable local, state and federal resources such as nutrition programs, Medicaid-eligible health programs, and other community benefits.

2. At PHMDC, we believe that all residents of Dane County deserve healthy places to live, work, and play. We also believe that the health of all people is interconnected. I submit this declaration in support of the Respondents' application in the above-captioned matter.

3. Beginning with the first proposed changes to the public charge rule in 2017 and especially once the rule was allowed to go into effect, our department has been hearing numerous reports of immigrant residents of Dane County who have disenrolled themselves and family members from public benefit programs to avoid potential complications with their long-term goals of adjusting their immigration status and later pursuing citizenship.

4. PHMDC operates the Dane County office for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). WIC is a vital resource for low-income families and promotes long-term positive health outcomes for children and families. In 2019, our project served over 7,000 pregnant and postpartum women, infants, and children under the age of 5. Although WIC was not included in the final public charge rule, since the beginning of 2020, our WIC staff has consistently received calls from participants asking to remove themselves from WIC and other federal programs they are on. Immigrant callers frequently cited “public charge” as their reason for seeking to disenroll and expressed that they now fear using public benefits because it could threaten pending or future efforts to adjust their immigration status. The rule’s implementation has clearly increased anxiety and confusion in Dane County’s immigrant community. Because of the complex and confusing nature of the public charge rule, Dane County residents believe that they must weigh the important health benefits of participating in WIC and other nutrition and housing programs against the fear of destabilizing their longer-term goals of securing a future in the United States.

5. Many families who receive WIC in Dane County also use the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and public housing resources. In fact, 74.9% of WIC families also participate in SNAP, Medicaid, or both. Since implementation of the public charge rule began in February 2020, we expect that the long-term impact of reducing access to

SNAP will be to increase food and housing insecurity as well as to reduce access to healthcare in Dane County. These concerns are heightened during the current pandemic as families are being told to stay at home, so long as they have access to food and shelter, to reduce the transmission of COVID-19.

6. Dane County emergency food providers like food banks and pantries have reported seeing significant increases in participation by vulnerable groups since March. Additionally, food costs are increasing and there are new challenges for accepting donated food and school-age children remain out of school where many often get free and reduced breakfast and lunch. We are concerned for our emergency food partners' ability to sustain these high levels of emergency feeding indefinitely throughout this crisis. In short, this is a perfect storm for an increase in hunger in our community. Historically, when the economy worsens and hunger increases, hunger increases the most for racial and ethnic minorities, immigrants, families with children, and other vulnerable groups. For this reason, PHMDC believes that our immigrant community will acutely experience the negative public health effects of the pandemic-related economic downturn, and that this harm will be exacerbated by fear and confusion around the public charge rule. Supporting eligible community members' access to food through WIC and SNAP would help ensure that the emergency food safety net remains available and sustainable. The public charge rule has made doing so significantly more difficult.

7. Since the COVID-19 global health emergency began, our community partners have expressed elevated difficulties in supporting the immigrant community in Dane County. The public charge rule has eroded the trust of many of our immigrant households in the institutions of government and healthcare because they are concerned that choosing to access public benefits is necessarily tied to immigration processing and enforcement. That loss of trust has resulted in these

families avoiding contact with supportive services and has increased the difficulty in reaching these communities with important messaging and information about the COVID-19 pandemic such as where households can access resources and what to do in the event that they are exposed to the virus.

8. PHMDC is aware that U.S. Citizenship and Immigration Services (USCIS) issued an alert in March explaining that the public charge rule “does not restrict access to testing, screening, or treatment of communicable diseases, including COVID-19.” That notice, however, was only posted only in English and states that USCIS will still “consider the receipt of certain cash and non-cash public benefits, including those that may be used *to obtain testing or treatment* for COVID-19 in a public charge inadmissibility determination,” including most types of Medicaid. *See* <https://www.uscis.gov/greencard/public-charge> (emphasis added). Some Dane County immigrant communities do not appear to be aware of this notice while other immigrant populations we speak to remain concerned about accessing healthcare that would provide access to COVID-19 testing and treatment because of public charge concerns.

9. We believe that in order to ensure all members of our community are able to safely shelter in place and social distance during the COVID-19 pandemic, access to healthcare, food, and housing are paramount. Restricting access to these fundamental, life-sustaining necessities will only worsen the spread of COVID-19. Losing access to such programs will force families to choose between their access to healthcare during this epidemic and how often they eat or whether they can access safe and affordable living conditions. The health of Dane County requires everyone to have access to the necessities they need to be well. The public charge rule has complicated PHDMC’s work to advance toward this goal, especially during the COVID-19 pandemic.

DATED this 9th day of April, 2020 at Dane County, WI



Janel Heinrich

