

# The Senate's Reconciliation Bill Is Catastrophic for Immigrant Women and Families

Yesterday, the Senate voted to pass its version of the Reconciliation (or spending) bill. **The final Senate bill differs in some crucial respects from the bill originally passed by the House last month and contains several provisions that would be catastrophic to migrant women and expensive for states.**

The Women's Refugee Commission (WRC) traced five of the most critical ways the **House** and **original Senate** reconciliation bills would be catastrophic for immigrant women and families. Some of these provisions, including those that punish states that provide healthcare to vulnerable immigrant populations using their own funds, have been removed. However, other damaging provisions have been added or maintained.

**This updated factsheet identifies some of the most damaging provisions for migrant women and families of the final Senate bill**, including allocating more than \$150 billion dollars for immigration detention and oversight, upending protections for immigrant children in detention, defunding labor and delivery services for immigrant women, and eliminating access to Medicaid for refugees, people who have been granted asylum, and survivors of domestic violence, sexual assault, and human trafficking.

**The Women's Refugee Commission has identified five of the most damaging ways the Senate reconciliation bill would harm immigrant women, children, and families.**

## **1. Eliminating access to healthcare and food assistance for immigrant survivors of domestic violence, human trafficking, and persecution**

Current law allows immigrant survivors of human trafficking, domestic violence, and other violent crimes who have been granted T visas, U visas, and other humanitarian visas to access Medicaid, food assistance through the Supplemental Nutrition Assistance Program (SNAP), and some other public benefits. Asylees (persons who have been granted asylum), refugees, and other categories of migrants who the government has already determined cannot return to their home countries because of an extreme risk of violence and persecution are also eligible. When exactly in the process migrants become eligible depends on the type of visa or status they hold.

The **House bill** would make these survivors ineligible for Medicare and SNAP. It would also prevent them from purchasing their own health insurance on Affordable Care Act (ACA) marketplaces. **The Senate bill adds Medicaid to the list of public benefits that refugees, domestic violence survivors, human trafficking survivors, and other vulnerable immigrants would be ineligible to receive.**

For immigrant survivors, many of whom are low income and have complex health needs stemming from poverty and abuse, waiting the additional years or even decades to access Medicaid and food assistance may simply be insurmountable. Alongside the elimination of ACA coverage, these provisions make it nearly impossible for survivors to meet their most basic and urgent healthcare needs, which may force many to remain in abusive situations longer than they otherwise would.

## 2. Reducing Federal Matching (FMAP) from 90% to 50% for Emergency Medical Services Provided to Immigrants

The Senate bill adds additional Medicaid cuts that reduce the amount of money hospitals and other healthcare providers receive from the federal government to help cover the cost of the emergency healthcare they are required to provide to immigrants who would otherwise be eligible for Medicaid, but are not eligible because of their immigration status (known as “Emergency Medicaid”). States that expanded Medicaid coverage under the Affordable Care Act (ACA) were reimbursed for 90% of their Emergency Medicaid costs, as opposed to the typical 50% reimbursement rate.

The Senate Bill reduces the reimbursement rate from 90% to 50%, pushing the cost of providing this mandatory care onto hospitals or states. **The majority of Emergency Medicaid funding, as much as 92% in some years, pays for labor and delivery services and pregnancy complications.**

Emergency Medicaid matching dollars are a vital way that states pay for the cost of care that they are legally required to provide; however, **Emergency Medicaid accounts for less than 1% of total Medicaid spending.** Cutting the FMAP rate pushes the cost of providing these vital services directly onto hospitals and states.

## 3. Defunding clinics that provide cancer screenings, prenatal care, and other vital health services to immigrant women

The Senate bill also **contains a provision to defund clinics** that provide sexual and reproductive health services to low-income and immigrant women. These services include cancer screenings, birth control, prenatal care, and other essential treatments that these clinics provide to women regardless of immigration status. Federal law prohibits any of these funds from being spent on abortion.

These clinics rely on federal funding, including Medicaid and Title X, to be able to provide healthcare to low-income and immigrant women who would otherwise be unable to receive care. If the bill were to pass, **more than 90% of healthcare centers would be at risk for closure**, with no other providers able to replace services.

In the absence of these services, an **immigrant woman may have nowhere to turn for treatment.** For domestic violence survivors, victims of human trafficking, and victims of rape or sexual assault, sexual and reproductive healthcare may be urgent, even lifesaving. Funding clinics that provide care to them is necessary to ensuring immigrant women can receive necessary treatment.

## 4. Expanding the Department of Homeland Security’s ability to detain immigrant families and children while eliminating legal safety standards

The bill includes a **\$45-billion budget for Immigration and Customs Enforcement (ICE) to fund immigration detention**, including family detention facilities. This figure is more than **13 times ICE’s budget** in FY 2024.

At the same time as the bill seeks to expand ICE's capacity to detain children and families, it also seeks to undermine laws that provide minimum safety and care requirements for children in custody. Specifically, the bill seeks to eliminate **strict legal requirements** that limit how long children can be detained; instead, it would allow the government to detain immigrant children indefinitely, for months or even years. **The bill also directs Customs and Border Patrol (CBP) officers to conduct invasive physical examinations on children of any age to search for tattoos and other markings that they believe may suggest gang affiliation.**

The Women's Refugee Commission has conducted extensive research on both **family detention** and **detention of immigrant children**. Our findings are unequivocal—there is no safe or humane way to detain kids. The **American College of Physicians, American Academy of Pediatrics**, and numerous other bodies have found the same. Even ICE's own Advisory Committee on Family Residential Centers has concluded that being detained for any amount of time **has profound and permanent effects** on their mental and physical health.

Immigrant women are also at grave risk of harm from such a vast rapid expansion of detention facilities. **Detention conditions are already deteriorating rapidly**, as the government seeks to detain and deport immigrants at a pace too swift for even basic human rights. Women have reported being **held in conditions so extreme they feared for their lives**, including being chained for hours on prison buses without access to food or water, told to urinate on the floor, and packed into tiny cells of over 25 people with nothing to sleep on but a concrete floor. Immigrant women also experience **high rates of sexual assault and abuse** in detention.

Even as conditions worsen, the administration has effectively eliminated oversight over even the most egregious forms of abuse in its facilities. In March, the administration **terminated the oversight bodies** responsible for ensuring that detention facilities comply with civil rights laws, like the **Prison Rape Elimination Act** (PREA), and the government's own detention standards. The administration has also **eliminated the programs that allowed legal service providers to enter detention facilities** to monitor conditions and provide basic rights training.

The bill's proposal to rapidly expand detention at such an unprecedented scale will exponentially worsen conditions for immigrant women and children. Coupled with the lack of oversight and repeal of basic detention standards, the bill would create an expansive and "black box" system where migrants and their lawyers have few means of preventing and responding to abuse.

## **5. Imposing exorbitant fees on immigrants applying for humanitarian protection or sponsoring unaccompanied children**

The **bill imposes steep and often unprecedented fees on migrants** who apply for humanitarian protection. These include new fees for abused children applying for Special Immigration Juvenile Status (SIJS), which allows migrant children fleeing child abuse, human trafficking, and some other crimes to remain legally in the United States.

The bill also seeks to change the law around when a child can qualify for SIJS. Currently children must demonstrate that they cannot reunite with one of their parents due to abuse, abandonment, or neglect. This allows, among other scenarios, children who live in a household with one abusive parent and one non-abusive parent to leave safely. The bill would require that children demonstrate that they cannot reunify with both of their parents, or else pay a \$250 fee—prohibitive for many abused or abandoned children. Forcing children to pay for humanitarian protection they may not be able to afford may prevent them from leaving abusive households, or force them back into abusive situations because they cannot pay for their safety.

The bills also impose exorbitant costs on unaccompanied children (children who cross the US border without a parent or guardian) and the families who sponsor them. There are currently no fees to sponsor unaccompanied children. The government depends on sponsors to come forward and care for these children, which it cannot afford to do. The original House bill included a **minimum of \$8,500 in sponsorship costs**. The Senate bill reduces this number by eliminating a \$3,500 standalone sponsorship fee, but retains other mandatory fees that will cost most sponsors a minimum of \$5,000. These fees are prohibitive for virtually all unaccompanied children and sponsor families, which may force many children to stay in dangerous situations or make them vulnerable to human trafficking to pay these costs.

**WRC is gravely concerned about the extreme harms that the reconciliation bill will impose on immigrant women and children.** These provisions are violent, costly, and will place all Americans at risk of losing the vital services we all depend on. We strongly urge all members of Congress to oppose the reconciliation bill and stand up for our most fundamental rights and freedoms.

For more information, contact Zain Lakhani, director, Migrant Rights and Justice Program, [ZainL@wrcommission.org](mailto:ZainL@wrcommission.org).

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### **Women's Refugee Commission**

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, youth, and other people who are often overlooked, undervalued, and underserved in humanitarian responses to crises and displacement. We work in partnership with displaced communities to research their needs, identify solutions, and advocate for gender-transformative and sustained improvement in humanitarian, development, and displacement policy and practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. [womensrefugeecommission.org](http://womensrefugeecommission.org).

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