

Five Ways the House Reconciliation Bill Will Be Catastrophic for Immigrant Women and Families

As early as this week, the House of Representatives will vote on a reconciliation (or spending) package. The bill contains several amendments that would catastrophically harm immigrant women, including survivors of domestic violence and human trafficking. These include provisions to eliminate access to healthcare and food assistance for *legally present* immigrants, including many survivors of domestic violence, child abuse, and human trafficking. In addition, the bill punishes states that use their own funds to support immigrant families, pregnant women, survivors, and children in their own communities.

The bill would also substantially expand the government's capacity to detain immigrant families and children, while also eliminating legal protections that set minimum care and safety standards for children in detention.

Supporters of the bill claim that these provisions prevent undocumented immigrants from using taxpayer-funded public services. This is, quite simply, false. Undocumented immigrants are *not eligible* for the vast majority of federal public benefits, including Medicaid and food assistance. However, undocumented immigrants pay billions of dollars in federal taxes that provide vital funds to support public benefits for US citizen families and children.

What the bill actually does is eliminate eligibility for migrants whom the government has *already determined* qualify for humanitarian protection. These include people who have been granted asylum or refugee status, and survivors who have been granted a U visa (for victims of violent crimes, including rape and domestic violence), T visa (for victims of human trafficking), or VAWA Self-Petition (for victims of domestic violence).

Research shows that public benefits are critical to allowing survivors to leave abusive situations and still provide for themselves and their families. Eliminating access to these benefits may force some survivors to remain in abusive situations longer because leaving will mean they lose food or medical support for their children. The bill also imposes new fees on migrants fleeing domestic violence, child abuse, human trafficking, and other dangerous situations that may prevent them from leaving an abusive situation if they cannot afford to pay.

The Women's Refugee Commission has identified five of the most damaging ways the 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 Medicare,

purchase health insurance on the Affordable Care Act (ACA) marketplaces, qualify for food assistance through the Supplemental Nutrition Assistance Program (SNAP), and access some other public benefits. Asylees (persons who have been granted asylum), refugees, Temporary Protected Status holders (people whom the government has determined cannot return to their country because of conflict or another disaster), people granted humanitarian parole, and people who have deferred action or withholding of removal can also access these and other benefits.

The bill would make survivors, asylees, refugees, and other humanitarian migrants ineligible for Medicare and SNAP. It would also prevent them from purchasing their own health insurance on ACA marketplaces.

As importantly, **the bill would withhold billions of dollars in federal Medicaid funding to states that use their own funds to provide healthcare to any undocumented immigrants, even children and pregnant immigrants..** If enacted, the bill would make it prohibitively costly for states to provide basic healthcare coverage to even the most vulnerable immigrants in their communities.

Currently, **14 states** provide no-cost health services to all low-income adults and children, regardless of immigration status. Twenty more states, for a **total of 34**, use their own funds to provide coverage to a more limited number of undocumented immigrants, such as children and pregnant people. **Some of these states** also provide coverage for domestic violence and human trafficking survivors at an earlier stage of the application process, so that they can get healthcare while they are waiting for their application to be adjudicated.

Survivors rely on state-funded services to bridge the gap between leaving an abusive situation and eligibility for federal public benefits. This is in part due to the extraordinarily high processing times for humanitarian relief like U and T visas. Survivors **must often wait** years, even decades, for United States Citizenship and Immigration Services (USCIS) to make a final determination on their applications, depending on the visa they are applying for. During that time, the vast majority are not eligible for federal public benefits.

Functionally eliminating their access to state-funded healthcare services would extend that wait time even further. Even once they have been granted a visa, many domestic violence survivors are not eligible for federal Medicaid until they go through the expensive and time-consuming process of becoming a legal permanent resident. **For some survivors of domestic violence, this could mean waiting 20 years or more from the time they apply for a visa to the time they become eligible for healthcare assistance.**

2. Defunding Planned Parenthood and other healthcare centers that provide sexual and reproductive healthcare to immigrant women

The bill contains a provision to defund Planned Parenthood and other 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 Planned Parenthood provides to women regardless of immigration status. Federal law prohibits any of these funds from being spent on abortion.

Clinics like Planned Parenthood rely on federal funding, including Medicaid and Title X, to provide healthcare to low-income and immigrant women who would otherwise be unable to receive care. The administration has made clear that eliminating access to sexual and reproductive healthcare for immigrants is one of their primary goals. In a March letter to providers terminating their Title X funding, the **administration cited “overtly encouragel[ing] illegal immigrants to receive care”** as one of the reasons these clinics were losing funding.

In the absence of these services, an **immigrant woman may have nowhere to turn for treatment**. For survivors of domestic violence survivors, human trafficking, and rape or sexual assault, sexual and reproductive healthcare may be urgent, even lifesaving.

3. Eliminating access to the Child Tax Credit for 4.5 million children who live in mixed-status families

The **Child Tax Credit is one of the most successful anti-child poverty policies that exists**. It provides vital support to low-income families to help provide food, housing, and other essentials for their children. The Child Tax Credit is also good fiscal policy; estimates show that **child poverty costs between \$800 billion to \$1.1 trillion dollars every year**.

The bill would **exclude children from eligibility for the Child Tax Credit** if one of their parents does not have a Social Security Number. A family in which one parent files taxes using a Social Security Number and the other who file taxes using an Individual Tax Identification Number (ITIN), which allows immigrants who are ineligible for a Social Security Number to pay federal taxes, will be ineligible. The bill also requires that all married parents who are filing for the Child Tax Credit file taxes jointly. An estimated **4.5 million children**, the majority of whom are U.S. citizens, will be excluded from this vital and successful anti-poverty program.

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 as young as 12 to search for tattoos and other markings that they believe may suggest gang affiliation.

The Women's Refugee Commission (WRC) 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 children. 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 children's 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 to be respected. 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 with more than 25 people with nothing to sleep on but a concrete floor. Immigrant women also experience high rates of sexual assault and abuse in detention.

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 such as 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 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 \$550 fee—an impossible amount for many abused or abandoned children.

The bill would also impose new unprecedented fees on sponsors who take in and care for unaccompanied children (children who cross the US border without a parent or guardian). Currently there are no fees for sponsors. The government depends on sponsors to come forward and care for these children, which is far safer and more cost effective than housing them in institutional settings.

These fees could exceed \$1,500 and include **a minimum of \$8,500 in sponsorship costs**. This is prohibitive for virtually all unaccompanied children and sponsor families, and would result in the end of family sponsorship for these children. Unaccompanied children themselves may also incur fees of up to \$5,000, separate from any sponsorship cost, depending on how they cross the border. The need to pay these costs may make many children vulnerable to trafficking and other forms of exploitation.

WRC is gravely concerned about the extreme harms that the reconciliation bill will impose on immigrant women and children. This is a radical departure from the approach the United States has previously taken to provide a minimum degree of safety for children and families. It also runs counter to the longstanding commitment we have made to protect victims of human trafficking and domestic violence within our communities. We strongly urge all members of Congress to oppose the reconciliation bill and stand up for the basic health and safety of children and families.

For more information, contact Zain Lakhani, director, Migrant Rights and Justice Program, ZainL@wrcommission.org.

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.

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