



## Being a kid is a “negative factor” under Trump’s new immigration rule

Taylor Dolven

September 24, 2018

A new immigration rule from the Trump administration basically penalizes kids for being kids.

Under a new rule published by the Department of Homeland Security on Saturday, immigration officials will consider the age of people under 18 a “negative factor” during their application process for legal residency. Age is one factor that will be considered, along with income, education, and health, in determining whether an immigrant is likely to use public benefits — help with food, housing, healthcare — in the future, and should therefore be denied legal status in the U.S.

“The biggest effect on kids is that the rule is proposing to essentially establish a situation where we will discriminate against children in immigration applications,” said David Bier, a policy analyst with the conservative Cato Institute. “If you are a child and you are trying to immigrate to the U.S., this rule will say this is a bad thing, that is a count against you if you are under the age of 18.”

The U.S. has long weighed the likelihood that immigrants will depend on government assistance — called a “public charge” — when deciding whether to grant them legal residency. The current guideline allows the government to consider an immigrant a “public charge” if they receive cash assistance that makes up more than half of their total income.

Monday’s published proposal will redefine the way “public charge” is assessed by creating a complicated rubric that weighs factors as positive or negative.

If you’re under age 18 or over age 65, that’s a negative factor against you. If you have a health condition and don’t have private health insurance, that’s another negative factor against you. And if you have used “monetized” benefits — Social Security, food stamps, housing vouchers — over 12 consecutive months, or “non-monetized” benefits — Medicaid, long-term institutionalization, public housing subsidies — for 12 months in a 36-month period, that’s a negative factor against you.

“A person’s age may impact his or her ability to legally or physically work and is therefore relevant to being self-sufficient, and the likelihood of becoming a public charge,” the rule says. “Children under the age of 18 generally face difficulties working full-time.” The rule is not retroactive and will only consider benefits used after the rule takes effect. Asylum seekers and refugees do not have to pass the “public charge” test.

In an alarming move to child welfare advocates and medical experts, the administration is considering including penalties for immigrant kids who use the Children’s Health Insurance Program, which provides healthcare for children who can’t afford it.

“CHIP imposes a significant expense upon multiple levels of government, and because these benefits relate to a basic living need (i.e., medical care), receipt of these benefits suggests a lack of self-sufficiency,” the rule said.

The administration is asking for public comment on the rule as a whole and the CHIP aspect specifically. The comment period will last for 60 days after the rule is published on the federal register, expected this week.

Thirty-two states and Washington, D.C., provide medical coverage for legal resident children, and seven provide coverage for children regardless of their immigration status. “CHIP provides basic healthcare for children who can’t afford it otherwise,” said Wendy Cervantes, a senior policy analyst with the nonprofit advocacy organization Center for Law and Social Policy. “Taking that away is depriving children of their basic healthcare.”

U.S. citizen children will also be impacted. Immigrant parents whose U.S. citizen children use public benefits will not be penalized for that, but kids whose parents pull out of benefit programs for fear or being penalized or who lose their legal status will be left in limbo. Even though the rule is not finalized yet, advocates said immigrant parents are already pulling themselves and their kids out of public benefit programs for fear that those benefits will impact their immigration cases.

“All children, regardless of where they were born, deserve equal access to health care, education, proper nutrition, and the support they need to have a fair chance to succeed” said Bruce Lesley, president of First Focus, a bipartisan children’s advocacy group, in a statement. “When parents receive the health coverage and nutrition assistance they are eligible for, their kids and our nation benefit. This rule would take vital resources away from hardworking households with children.”

Those in favor of limiting legal immigration to the U.S., like Mark Krikorian, director of the Center for Immigration Studies, have been wanting to see the “public charge” rule change for a very long time.

“Why are there any immigrants allowed into the U.S. who can’t earn enough to support their families?” Krikorian said when the rule was leaked in August. “You should not be getting a green card if you used government benefits. It’s about your fitness to live in the U.S. Are you going to benefit the Americans who are already here?”