



# How the ‘Public Charge’ Rule Change Harms Legal Immigrants-Especially Christians

Tyler Deaton

August 19, 2019

On Tuesday morning, a reporter asked Ken Cuccinelli, the not-Senate-confirmed acting director of USCIS, if Emma Lazarus’s words etched under the Statue of Liberty – “Give me your tired, your poor” – are part of the “American ethos.”

Cuccinelli, a great-grandson of Italian immigrants, agreed but gave the poem his own revision, essentially negating its meaning: “Give me your tired and your poor *who can stand on their own two feet and who will not become a public charge.*”

That’s not at all the same welcome that greeted so many of our ancestors, but it’s an apt description of the change to immigration regulations that will effectively restrict even legal immigration. The new public charge rule is the most aggressive attempt yet to block legal immigrants, and it’s far more exclusionary than Cuccinelli suggests.

The rule change reinterprets a law that has been on the books for decades. Under the Immigration and Nationality Act, immigrants are inadmissible if they are likely to become a “public charge,” meaning they will depend on the government for support. The law affects not only immigrants applying abroad, but also those already legally in the United States applying for green cards.

The brunt of the change will be felt by Christians already living legally in this country, particularly those people who are hard-working although lower-income Roman Catholic and Pentecostal-evangelical Latinos. Yet again, we see the ugly bargain made by conservative Christians who blindly defend the administration’s immigration policies. They are willing to split up families and deport their own congregations based on a specious argument over “public charge.” These are not the values preached in their churches, and the hypocrisy does lasting damage to our republic.

I am the great-great-great-great-great-great-great-grandson of English immigrants to this country. My ancestors fought in the Revolutionary War. I am appalled by Cuccinelli’s impulse to restrict even legal immigration. He and others in this administration, especially Stephen Miller, are undermining the president’s own policy positions, as well as his political standing, by attacking hard-working legal immigrants who are following the rules we’ve set to come here. As obscure and confusing as those rules are, many attempt to follow them.

The Miller-Cuccinelli-“Zero Population Growth” cabal will sink this administration if the president doesn’t refocus the conversation on border security and immigration reform with absolute respect for the legal immigrants and blue-collar workers who make this country great.

The new 837-page USCIS re-interpretation of “public charge” will dramatically expand immigration officers’ ability to deny immigrants’ applications. In the past, immigrants receiving Supplemental Security Income or long-term institutional care were at risk of a public charge rejection. The expanded rule would include those who have used – *or are likely to use in the future based on the opinion of a government bureaucrat* – public benefits like food stamps, housing vouchers, Medicaid, or other assistance.

Determining who is “likely” to use public benefits in the future is no easy task. Under the new rule, the same bureaucrats will use a non-specific formula that includes English language skills, educational attainment, and job offers.

Self-reliance is important, for both citizens and immigrants. Welfare should be temporary and limited, and whenever possible, people should be responsible for their own financial independence. So let’s have that debate in the proper context of welfare reform.

But this is not about welfare reform or a problem with freeloaders. Immigrants are not a drain on taxpayer resources, in fact the opposite is true: Immigrants contribute far more in taxes than they use in public benefits, and they use welfare much less than the native-born population. This rule change is a solution in search of a problem.

The broad sweep of the rule reveals the intent behind it: a massive assault on legal immigration. David Bier at Cato Institute estimates the rule “increases the likelihood of becoming a public charge nearly tenfold,” and says the bureaucratic scheme is skewed toward denials. This parallels changes at the State Department, which makes its own public charge determinations for visa applicants. In fiscal year 2016, the department denied only seven applications for Mexican nationals on public charge grounds. So far this year, it has denied 5,343 applications for Mexican nationals on public charge grounds. Adjusting for partial year totals, that’s about 1,000 times as many denials just for Mexicans.

The revised formula will clearly have an outsized impact on Latinos. 18.3 million Latino immigrants and their American citizen family members could be impacted by the rule change. This group accounts for roughly 70% of those likely harmed by the rule change. Stated differently, the rule could affect a staggering one-third of all Latinos in America.

At a press conference on Monday, Cuccinelli denied the rule change targets Latinos and said Italians would have been affected 100 years ago. But that’s just the point: Americans with their own immigration story, whose families arrived not so long ago, are now trying to slam the door shut on today’s immigrants through an overbroad rule (or, in some cases, shoving people out the door who arrived legally and have lived here for years).

Immigrants now face a much stricter standard than Italian, Irish, or German immigrants faced just a few generations ago. Roman Catholics were viciously and publicly targeted in the past by anti-immigrant politicians. Today, the harm being done to Catholics and other Christian immigrant groups is perhaps more subtle but just as cruel.

The U.S. Conference of Catholic Bishops (USCCB) has denounced the rule change every step of the way, apparently to no avail, in spite of their tremendous influence over Republicans in Congress. Upon announcement of the final rule, the USCCB said: “This rule will undermine family unity and lead many lawful immigrants to forgo vital assistance, including enrollment in nutrition, housing, and medical programs... We have already seen the culture of fear that the

anticipation of this rule has created in our communities. Ultimately, we believe that this rule is in tension with the dignity of the person and the common good that all of us are called to support.”

Which brings me back to Cucinelli’s riff on the Lazarus poem. The administration’s real concern here is not welfare or fiscal responsibility (have you seen the national debt?). Instead, it’s just another attempt to change our fundamental values and undermine our pro-immigrant traditions. The Lazarus poem reflects these values beautifully, but so do others. I particularly enjoy these words George Washington wrote in a letter in 1783:

... America is open to receive not only the opulent and respectable Stranger, but the oppressed and persecuted of all Nations and Religions; whom we shall welcome to a participation of all our rights and privileges; if by decency and propriety of conduct they appear to merit the enjoyment....

These words have resonated with Americans across generations. They speak to America’s values of freedom, openness, and resilience. And they remind us of our humble beginnings, as radicals and outcasts who came here and forged a new nation—built on ideas, not ethnic or religious identities.