



New Trump 'Public Charge' Rule Targets Immigrants Using Benefits

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Legal immigrants who use public benefits such as food stamps, Medicaid or housing assistance face a greater possibility of being denied a green card under a policy change announced by the Trump administration on Monday.

The new rule also allows the government to refuse green cards to legal immigrants it determines are "likely" to use public benefits in the future, giving the Trump administration broad authority to make it tougher for immigrants to obtain green cards on the basis of wealth, education, English-language skills and other factors.

The Immigration and Nationality Act already gives the government authority to deny immigrants permanent residence in the U.S. if they are determined to be a "public charge," or someone who relies on the government for financial support. But the new policy rule alters and expands what factors determine if an immigrant is or will be defined as a public charge. Immigrants who have accessed Medicaid, food stamps or housing assistance for any 12 months in the last three years will have that weighed heavily against them when the government is making a determination about their green card application.

The new rule also allows the government to determine if an immigrant is likely to use benefits in the future. Having a medical condition, being very young or old, being unable to prove employment or having an income below 125% of the federal poverty line, for example, will be weighed negatively against legal immigrants applying for a green card or other status changes.

Ken Cuccinelli, acting head of U.S. Citizenship and Immigration Services, said at a press conference Monday that the rule would affect apply to some 400,000 people who apply for permanent residence status each year.

"Through the public charge rule, President Trump's administration is reinforcing the ideals of self-sufficiency and personal responsibility," Cuccinelli said, arguing that the regulation is "ensuring immigrants can support themselves and become successful in America."

The public charge rule will take effect in roughly two months, according to a [filing scheduled to be published in the Federal Register](#). A proposed version of the rule was released in September and garnered more than a quarter-million comments, the vast majority of which opposed the policy change.

The move is the latest by the Trump administration to curb immigration and it is expected to be swiftly challenged in court. The government anticipates that the policy change will result in an increase in the number of denials for immigration status changes, according to the filing, and analysts say it will likely reduce family-based legal immigration to the U.S. from Central and South American countries, as well as from African nations.

The rule was reportedly championed by White House adviser Stephen Miller and other immigration hard-liners in the administration who have sought to limit immigration and change the makeup of the immigrant population.

David Bier, immigration policy analyst for the libertarian Cato Institute, says the rule is "designed to exclude people."

"It's going to lead to the exclusion of tens or hundreds of thousands of immigrants who are going to be productive members of American society, if they were given legal status in this country," Bier says, adding that the formula the government will now use to determine if an immigrant is or will be a public charge is "entirely baseless."

Under the new rule, which has changed slightly since it was proposed, it doesn't matter how heavily an immigrant relies on public benefits – just that they do at all.

"You could be 99% self-sufficient and still be deemed a public charge," Bier says.

Immigration groups have also expressed concern that the rule will have a chilling effect, causing immigrants to decide not to seek necessary assistance even if the rule does not apply to them or only applies to some household members. That could have a "significant impact on health-care providers and other social welfare systems, state and local government budgets, and local economies," a report by the Migration Policy Institute, a nonpartisan immigration think tank, found.

Proponents of the rule, however, say it restores the U.S. immigration system to the way it should function.

"Making sure that only people who can pay their own bills are allowed to move here is, in some sense, the whole point of immigration," says Mark Krikorian, executive director of the Center for Immigration Studies, which advocates for lower levels of immigration.

The Trump administration has introduced a number of policy changes and proposals seeking to limit immigration and change the legal immigration system to favor a merit-based approach, rather than one that grants legal status to family members of immigrants already in the U.S. legally.

The new rule will have some exceptions. Asylum-seekers, refugees and service members are among those who will be not affected by the policy change.

The National Immigration Law Center has already indicated that it will sue the administration over the policy.