



New US Immigration Proposal Generates Worry

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It is about 7 p.m. Thursday in Falls Church, Virginia, and 20 people have gathered in a small community center room to listen to an informational session.

Meetings like this are being hosted by immigrant rights organizations all over the country. The goal is to explain the latest immigration guidelines from the Trump administration — the so-called Public Charge Rule — that could make it harder for legal immigrants to get green cards if they have received some type of public assistance, including health care, food stamps and housing subsidies.

"Well, let's start with what's public charge and why does it matter? Does anyone know?" Michelle LaRue, director at CASA de Maryland in the Virginia office, asked in Spanish.

Only two people attempted to reply. The rest shook their heads.

LaRue explained that public charge is grounds for inadmissibility that applies when a person seeks admission to the United States or adjustment of status to become a lawful permanent resident or green card holder.

"Basically, this is taken into consideration during an immigration process. For instance, if I want to sponsor my mother to come to the United States, they [the U.S. government] will take into consideration my family's income. Can I support my mother if she comes here?" LaRue explained.

The group listened attentively, taking notes and asking questions.

LaRue continued, "So, what the president is doing [with this updated guideline] is expanding the public charge rule. ... But this is not new. What's new is the expansion of the rule."

The U.S. Department of Homeland Security (DHS) announced the proposed rule in late September to ensure that those looking to enter and remain in the United States "will not be reliant on public benefits," such as aid programs for nutrition, prescription drugs or housing.

After the notice was posted, immigrant advocates started receiving questions from people wondering if their legal status would be taken away. Some went so far as to withdraw their U.S.-born children from benefits for which they were eligible.

Madison Hardee, a senior policy analyst at CLASP, said under current guidelines there are two types of benefits that can be considered in the public charge determination: cash assistance from government programs like Temporary Assistance for Needy Families or Supplemental Security

Income, and long-term institutionalized care at government expense, such as the Medicaid Program paying for nursing home care.

New definition of 'public charge'

Hardee said legal immigrants must be in the country for at least five years before being eligible for TANF or SSI and that undocumented individuals are not eligible for public assistance. So, she explained, public charge is a rule that would affect individuals who are in the United States lawfully and are seeking to become permanent residents of the United States.

She used government-funded health care as an example. "If a pregnant woman with TPS [Temporary Protected Status] were to receive Medicaid to cover her prenatal care and delivery, the receipt of that Medicaid could be held against her when she later applied for a green card," Hardee said.

The libertarian CATO Institute reports immigrants are less likely to use means-tested welfare benefits than similar native-born Americans.

"When they do use welfare, the dollar value of benefits consumed is smaller," the study shows. "If poor native-born Americans used Medicaid at the same rate and consumed the same value of benefits as poor immigrants, the program would be 42 percent smaller."

The public charge rule has been in effect going back to 1880s. Francis Cissna, director of U.S. Citizenship and Immigration Services (USCIS), said at a conference Monday that "self-sufficiency has been the basic principle of U.S. immigration" system.

The determination of whether an immigrant is likely to become a public charge, Cissna said, is based "on the totality of the alien services including — these are mandatory factors — age, health, family, status, assets, resources, financial status, education and skills."

"The proposed rule, if finalized," he said, "would change the standard in which DHS [Department of Homeland Security] determines whether or not an alien is likely to become public charge. ... And, therefore, ineligible for a visa or adjustment of status."

"I think this regulation is, for the first time, will definitively state what public charge means," he added.

'Still worried'

Those attending CASA's workshop did have legal status in the U.S.

Maria is a legal permanent resident on her way to applying for naturalization. Maria did not want to share her last name, but said she moved to the U.S. from Bolivia 20 years ago.

"I came here today because I don't understand what's going on," Maria said in Spanish.

Maria was mostly worried about the Obama-era Affordable Care Act (ACA). She asked CASA officials if taking part of the ACA would hurt her chances at becoming a U.S. citizen.

CASA officials said she had nothing to worry about. Her health care insurance choice was not under the expanded public charge list proposed by immigration officials.

"Even so, I'm still worried," she replied.

At the Federal Register website, the 434-page document is as yet "unpublished" but scheduled to be published October 10. Once published, the public has a 60-day window for comments.

CASA de Maryland, along with organizations from around the country, began a campaign to inform people and get as many comments as possible. Their goal is to get 100,000 signatures.

The meeting wrapped up at 9 p.m., but most people stayed to speak with CASA officials.

Maria was one of them.

"In my case, I'm blessed that I'm a resident, but I have siblings in my family who are not. So, my goal here was to learn and know more about what's going on. That way I can go home and tell them," she said.