



Trump’s ‘public charge’ rule limits legal immigration, favors wealthy, European immigrants

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The Trump Administration unveiled a rule Monday that fundamentally reshapes the way immigration benefits have been granted to immigrants in and outside the country for the past 20 years.

On Monday, acting U.S. Citizenship and Immigration Services director Ken Cuccinelli announced the final public charge rule that would make it easier for immigration officials to deny green cards and other benefits to immigrants if they have used some public programs, don’t meet certain favorable criteria or are deemed to likely become dependent on public benefits.

The rule, according to some experts, would heavily favor wealthy immigrants and those from Europe and would make it that much more difficult for immigrants from Mexico and Central America as well as low-income immigrants around the world to gain legal admission to the U.S.

Cuccinelli, speaking from the White House briefing room, said the new rule “encourages and ensures self-reliance and self-sufficiency for those seeking to come to or stay in the United States.”

Cuccinelli said the rule defines what “public charge” means, something he said Congress has never done.

“Through the public charge rule, President Trump’s Administration is reinforcing the ideals of self sufficiency and personal responsibility, ensuring that immigrants are able to support themselves and become successful here in America,” Cuccinelli said.

The proposed rule change was first announced last October and was met with strong criticism by public advocacy groups. Overall, USCIS received more than 260,000 public comments, the vast majority of which opposed the rule change.

Many warned that the rule could lead to U.S. citizen children being pulled off medical and nutrition programs by immigrant parents concerned about their own chances of getting a green card.

The use of programs like the Supplemental Nutrition Assistance Program, or food stamps, housing vouchers, some forms of Medicaid and cash assistance programs would be weighed against immigrants under this new rule.

Anne Dunkelburg, health policy expert at the Texas-based Center for Public Policy Priorities, said the group fears immigrant parents may pull their U.S. citizen children from programs out of fear that using the programs could cost them a chance at legal status.

Dunkelburg said the CPPP estimates that the rule change could impact between 1.5-1.6 million Texas children who live in mixed-status families. A 2018 study found that nationally, some 6.8 million children live in such households.

“This change could affect one out of every four families in Texas. This rule directly challenges who Texas is today,” Dunkelburg said.

Factors like wealth, English-speaking ability, age and levels of education would also be weighed for or against immigrant hopefuls.

Income would also play a major role. A family of four, for example, would have to make about \$63,000 or more in a year in order for that to be weighed heavily in their favor.

The average income in the U.S. is \$57,652, according to U.S. Census Bureau data.

But the rule also grants wide discretion to immigration officials handling applications to determine if at some point the immigrant is likely to become dependent on such programs.

Mark Greenberg, a senior fellow at the Migration Policy Institute, said the rule is a major overhaul of how immigration benefits have been granted since 1999, the last time “public charge” was defined.

A 2018 analysis from MPI found that among recent green card holders from 2012-2016, Mexicans and Central Americans were the most likely to have two or more negative factors weighed against them and Europeans were the least likely:

- 60% were from Mexico and Central America
- 48% were from the Caribbean
- 41% were from Asia
- 40% were from South America
- 27% were European, Canadian or from the Oceania region

The analysis also found that only about 39 percent of green card holders during that time met the preferred income level under the new rule.

Green card holders are generally barred from using many of the programs during the first five years they live in the U.S., with some exceptions.

A 2016 analysis from the libertarian Cato Institute found that non citizen immigrants -- a category that includes green card holders, asylum seekers, refugees, temporary workers and unauthorized immigrants -- were much less likely than the U.S.-born population to use public benefits.

The new rule’s purpose, Greenberg said, is to make immigration policy more favorable to wealthier immigrants from Europe and limit access to immigrants from Mexico, Central America and low-income families hopeful of a life in the U.S., Greenberg said.

The Trump Administration “has proposed to Congress substantial changes to immigration law that Congress has not acted upon. This rule could be used as a way to run around Congress and enact changes the administration has wanted for a long time now without its approval,” Greenberg said.

The rule would go into effect in about two months and groups are already lining up legal challenges.

Marielena Hincapie, executive director of the National Immigration Law Center, said in a statement that the rule is “a cruel new step toward weaponizing programs that are intended to help people by making them, instead, a means of separating families and sending immigrants and communities of color one message: you are not welcome here.”