

Trump Takes Aim at Immigrants Who Use Public Benefits

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The Trump administration rolled out new regulations that will make it harder for immigrants who use public assistance programs such as Medicaid, food stamps and government-subsidized housing to obtain visas, green cards and U.S. citizenship.

Under the new rules, immigrants will be scrutinized more closely for assets, education and earnings potential, and officials will be given considerable leeway to reject applicants who are using public benefits or are judged to be likely to use them in the future. Applicants who are rejected will be deported.

The regulations target any non-citizen who receives means-tested public benefits for more than 12 months within a 36-month period. Benefits received from more than one program will count double. But even if an immigrant falls below the threshold, any use of some kinds of public assistance can count against an applicant. Participation in school lunch programs, homeless shelters and food pantries will not be held against applicants.

Changing a long-standing rule: Federal immigration rules dating back to at least 1891 state that any immigrant who is likely to become a “public charge,” or dependent on public aid, can be denied residency in the country. On Monday, Acting Director of U.S. Citizenship and Immigration Services Ken Cuccinelli empathized this point, saying, “This is a 140-year-old legal structure. We’re not doing anything new here. We’re simply making effective what Congress already put on the books.”

The conservative Cato Institute took a different view, saying that the new public charge rule “redefines the historic meaning of this term, which will result in far more immigrants not receiving status in the United States based on a bureaucrat’s suspicions that they could use welfare.”

How many people could be affected: About 544,000 people apply for green cards every year, the Associated Press said, and the rule change could affect roughly 382,000 of them. More broadly, there are about 26 million immigrants living in the U.S., many of whom may reconsider their participation in public programs in light of the rule change. Currently, non-citizen participation in public benefit programs is relatively modest, though not insignificant. According to Scott Bixby of The Daily Beast, about 6.5% of Medicaid recipients and 4% of food stamp recipients are not citizens.

Targeting poorer immigrants? Asked if the administration’s rule change was aimed at low-income immigrants, Cuccinelli said, “We certainly expect people of any income to be able to stand on their own two feet, so if people are not able to be self-sufficient, then this negative

factor is going to bear very heavily against them in a decision about whether they'll be able to become a legal permanent resident.”

Immigrant advocates are worried: Cuccinelli said that by tightening the rules on who should be classified as a public burden, the Trump administration was simply reinforcing “the ideals of self-sufficiency and personal responsibility.” But immigrant advocates say the rule change is part of the Trump administration’s broader effort to reduce immigration. Marielena Hincapié, executive director of the National Immigration Law Center, told The New York Times that the new regulations “will have a dire humanitarian impact, forcing some families to forgo critical lifesaving health care and nutrition. The damage will be felt for decades to come.” Bob Greenstein, president of the Center on Budget and Policy Priorities, told Bloomberg News that the “rule will sow fear in immigrant communities and lead many immigrants who are here legally -- and their families -- to forgo needed health coverage, nutrition assistance and housing assistance they are eligible for.”

What’s next: The regulations will take effect 60 days after the 837-page final rule, titled “Inadmissibility on Public Charge Grounds,” is published in the Federal Register, which is expected to occur on Wednesday. Several immigration groups are expected to sue the administration to prevent the rule from taking effect.