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Trump Immigration Plan Offers a Ticket to the American Dream. The Poor Need Not Apply.

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The Trump administration has said the immigration overhaul it announced this week will ensure that new legal residents carry their own weight, without prejudice or favor. Yet the new rule for weeding out those who might be a drain on taxpayers will almost certainly disadvantage poor people from Latin America, Africa and parts of Asia.

Over time, people who are granted green cards — the major step toward winning citizenship — will become wealthier but their numbers will shrink, researchers predicted. More green cards will go to immigrants with a good education and a measure of self-sufficiency; fewer will be granted simply because someone has a family member in the United States.

Immigrants from Europe and Canada are least likely to face problems under the new regulations, according to one study, which found that, by contrast, nearly three-quarters of recent arrivals from Mexico and the Caribbean have relatively modest incomes that would jeopardize their chances at a green card.

“Never before in our history have we closed off the American dream to strivers who aren’t already middle class,” said Doug Rand, who worked on immigration policy in the Obama White House and co-founded a technology company that helps immigrants obtain green cards. “This is an attempt to turn back the clock and dramatically change the face of new Americans.”

The so-called public charge rule, which denies green cards to immigrants deemed likely to be heavy welfare users, represents a fundamental shift for a nation that has long welcomed impoverished immigrants from around the world who seek a fresh start in a country with more opportunity than where they came from.

There has always been a mix of immigrants, some arriving with skills and investment to make, while others bring little education or money. Immigrants seeking to live and work in the United States permanently may be engineers or construction workers, web designers or farmers, truck drivers or college students.

The new rule — pushed by the White House adviser Stephen Miller as a critical piece of President Trump’s America First immigration agenda — aims to reshape that immigrant community. Its backers want fewer poor people who might require public housing and food assistance. They want to turn away sick people whose maladies may end up requiring costly Medicaid services, paid for by the government. And they want to discourage those whose lack of English proficiency could hold them back from succeeding in a competitive economy.

“Give me your tired and your poor who can stand on their own two feet and who will not become a public charge,” Kenneth T. Cuccinelli, the director of United States Citizenship and Immigration Services, said bluntly on NPR’s “Morning Edition,” adapting the poem on the Statue of Liberty to a more Trumpian view of the country’s duty to immigrants.

Asked later by CNN whether that meant that the Statue of Liberty’s historical invitation to “wretched, poor” immigrants was off the table, Mr. Cuccinelli clarified. “Well, of course, that poem was referring back to people coming from Europe,” he said, “where they had class-based societies, where people were considered wretched if they weren’t in the right class.”

Beto O’Rourke, a former Democratic congressman from the borderlands of West Texas now running for president, had a swift response on Twitter: “This administration finally admitted what we’ve known all along: They think the Statue of Liberty only applies to white people,” he said.

Admitting productive, self-reliant people has long been the objective of United States immigration policy. The Immigration Act of 1891, one of the country’s first moves to regulate entry into the country from abroad, permitted the exclusion or deportation of people deemed to be a burden on the public purse. It referred to “idiots, insane persons, paupers, or persons likely to become a public charge.”

At Ellis Island, arrivals who were inspected by public health officials and deemed unfit were returned to their country of origin. Steamship lines could be fined for having transported them to the United States. Later, legal immigrant workers from Mexico and China faced similar scrutiny.

Mr. Trump from the beginning has demanded an immigration system based on “merit” which would favor high-skilled workers over family connections. He has mused about why the United States does not take more people from countries like Norway, while complaining about immigrants from “shithole countries” in Africa or places like Haiti, which have been wracked by natural disasters.

Congress has so far failed to pass legislation that would create a merit-based immigration system, but the regulation announced Monday will have a similar effect, according to experts.

As immigrants are subjected to a new array of evaluating factors, such as credit score, student debt and income level, the system will give preference to those with more skills and greater assets. In doing so, it will have gone a long way toward engineering Mr. Trump’s goal of redefining what it is to be an American immigrant — without needing approval from lawmakers.

The new policy will go into effect on Oct. 15 if it survives numerous legal challenges from immigration advocates, who call it the latest example of Mr. Trump’s efforts to shut the United States off from the rest of the world. Lawyers for Santa Clara and San Francisco Counties in California filed lawsuits on Tuesday asking a court to block the regulation.

But already, supporters and opponents of a robust immigration system are grappling with the question of how the 837-page regulation will affect the immigration landscape.

What appears clear is that those who have lower incomes and others who are in poor health will be the most directly affected as immigration officials in the Trump administration determine that they are probably to be in need of costly public benefits like Medicaid, housing assistance and food programs.

Maria, an immigrant, and Edward, who is American, were married two years ago. The young couple's lifetime earning potential is high: He is a military veteran who recently completed a degree in economics. She is completing a nursing degree. They are in the process of applying for her green card.

But because of their relatively low current income, Maria could get rejected under the new rules, a prospect that worries the couple, who live in the Washington area and spoke on the condition that only their middle names be used out of concern that commenting publicly could hurt their case.

"With all these new requirements, we will fall short, because we are just starting out," Maria said. "But we want to have the chance to fulfill our goals."

Dario Aguirre, an immigration lawyer in Denver, said a 72-year-old grandmother with arthritic knees could be found a public charge because she cannot work and faces potentially expensive medical care. A construction worker making \$30 an hour with three children and a stay-at-home spouse, he said, is likely to face more scrutiny than before about his ability to provide for his family without help from the government.

"The new public charge could render the vast majority of applicants inadmissible," Mr. Aguirre said, adding that the new rule gives officers "carte blanche" to deny green cards to a broad spectrum of working-class immigrants from less developed countries like El Salvador, Guatemala and Honduras.

There are nearly 13 million legal permanent residents in the United States, though the number constantly changes as hundreds of thousands each year become naturalized citizens and others win their green cards for the first time.

Mr. Trump on Tuesday said the intention of the new policy is to make sure immigrants aren't heavily relying on costly public benefit programs.

"I am tired of seeing our taxpayer paying for people to come into the country and immediately go onto welfare and various other things," Mr. Trump said. "So I think we're doing it right."

But how much immigrants rely on public benefits such as Medicaid and food stamps is a subject of intense dispute.

According to a report published in 2013 by the libertarian think tank Cato Institute, 32.5 percent of adult, American-born citizens received benefits through the Supplemental Nutritional Assistance Program, known as SNAP, compared with only 29 percent of adults who were not citizens.

A different study by the Center for Immigration Studies, which advocates restricting immigration, found that 58 percent of noncitizens use welfare programs, compared with 30 percent for households headed by a native-born person.

Though some immigrants qualify — directly or through their United States citizen children — for public benefits, estimates drawn together by the National Immigration Forum, an immigrant advocacy group, suggest that they contribute more in taxes than they draw from state and local governments.

For example, an updated report released in March 2017 by the Institute on Taxation and Economic Policy found that undocumented immigrants alone contribute \$11.74 billion each year in taxes, though they do not qualify for most public benefits.

State-level analyses have found that immigrants more than offset with their taxes the amount they draw each year from public benefits — by \$1 billion total in Florida, according to one report, and \$1,500 per immigrant in Arizona, according to another.

The possible impact of the new public charge rule, by region of birth

While few green card applicants receive public benefits, new "public charge" rules will allow immigration officers broad discretion to make a judgment on whether they are likely to use benefits, based on factors like English proficiency and socioeconomic factors.

At least 81 percent of immigrants from Mexico and Central America will have one negative factor.

Excludes refugees, asylum seekers and other humanitarian-based immigrants. Migration Policy Institute analysis of 2012-16 ACS data

The likelihood that the new public charge rule will favor immigrants from European and developed countries is part of a long history of American immigration policy that has tended to give preference to Europeans over those from less developed parts of the world.

When race-based quotas were abolished in name under the Immigration and Nationality Act of 1965, they were replaced with a strong, legally enshrined preference for family-based green card petitions, but one that many historians say was intended to welcome in more Europeans wishing to join their family members in the United States.

“This was a very highly calibrated attempt to increase European immigration,” said Muzaffar Chishti, the director of the Migration Policy Institute’s office at New York University School of Law. “It just did not work out that way,” he said.

Instead, a confluence of factors including rising quality of life in Europe, advancements in transportation technology and the end of colonial rule in countries in South and East Asia had unforeseen consequences. Europeans became less interested in American immigration, while instead the United States ushered in scores of others — Indian students, Filipino nurses, entrepreneurs from Hong Kong — who, in turn, petitioned to bring their family members behind them.

As a result, while 85 percent of immigrants in the United States in 1970 were of European origin and 15 percent came from elsewhere in the world, Mr. Chishti said, today the reverse is true.

The way that means testing tends to favor immigrants from Europe and Canada already has become apparent over the past year as State Department consular officials began evaluating visas on the basis of whether applicants are likely to be heavy users of government benefits.

Visa denials increased across the board, according to a report by Politico, particularly in less developed and impoverished countries. The data obtained by the news organization showed steep increases in visa denials for countries like India, Pakistan, Bangladesh, Haiti and the Dominican Republic. In Mexico, visa denials jumped to 5,343 during 10 months of 2018 and 2019, up from just seven in all of 2016.

Tammy Fox-Isicoff, a Miami lawyer, said that an American-citizen client, an entrepreneur with an MBA, petitioned for his parents, 60 and 65 years old, who are both healthy and hold engineering degrees, to immigrate to the United States from Uzbekistan.

Despite the fact that he presented proof of \$470,000 in assets, his parents were denied immigrant visas based on the “totality of circumstances,” according to correspondence reviewed by The New York Times. The consular officers required \$1 million in assets from their son to reconsider the case.

“They are making it really hard for American citizens to sponsor parents. Most of them are going to be over 60, at the very least,” Ms. Fox-Isicoff said.