

October 2018

A proposed rule published by Trump Administration on October 10, 2018 will further hurt our ability to strengthen North Carolina now and for the future. It will make it more difficult for families to ensure their children have what they need to get ahead and to fully participate in our communities. It will also make it more difficult for low-income families, regardless of whether they use benefits or not, to obtain permanent residence and advance our state economically.

While the proposed rule is a specific attack on immigrants and people of color, it is not just an “immigration” issue—it is about the health and well-being of our entire community. If we want our communities to thrive, all families have to be able to get the care and services they need, and to be able to fairly access a path to citizenship.

Current Law Allows Very Limited Access To Public Benefits For Immigrants

For more than 100 years, immigrants seeking to obtain lawful immigration status have had to prove to the government that they are not “public charges,” i.e., that they will not be dependent on the government for support. However, for almost 20 years, the federal government has clearly stated that immigrants who are eligible may use the health and nutritional programs that are key to healthy outcomes for children and families such as Medicaid and SNAP (food stamps) without harm to any future green card or visa application. Further, the current law states that any benefits used by immigrants’ U.S. citizen children do not count against the immigrants themselves in immigration applications. Although many aspiring green card holders are not eligible for benefit programs because of strict laws, some are eligible, including a number of categories of pregnant women and children.

The New Rule Will Create More Barriers on the Path to Citizenship

The new draft rule states that if immigrants use critical health and nutritional programs such as the Supplemental Nutrition Assistance Program (formerly, “food stamps”), Medicaid, public housing assistance, or Medicare prescription drug benefits, that the government will use it against them in determining whether they can obtain lawful immigration status. However, the rule critically does not count any benefits used by an immigrant’s family members (including U.S. citizen children), against the immigrant in determining if, he will be deemed a public charge.

The proposed rule will also penalize immigrants who have never used a benefit program at all simply for having low income, a health condition, or a lack of work history outside the home. The proposed rule reduces the positive effect of an “Affidavit of Support,” a document that currently allows many lower-income immigrants to pass the public charge test by showing financial support from a family member or friend. Putting more focus on immigrant’s own income and work history will hurt stay-at-home caregivers, the disabled, or even just working people who make low wages. The rule will make it more difficult for those people to obtain green cards or visas, thus further harming their ability to make fuller contributions to our economy.

While certain groups of immigrants, such as refugees and asylees, are excluded from the public charge rule, it will apply to family and employment-based immigrants, who collectively [make up the great majority of immigrants](#) to the U.S.

The Proposed Rule Would Hurt North Carolina

Although the rule does not specifically prohibit U.S. citizen children of immigrants from accessing benefits, much confusion surrounding the rule could lead eligible immigrants and citizens to disenroll from benefit programs. In North Carolina, the chilling effect could reach 530,000 people who live in a family with at least one non-citizen member and receive one of the income supports identified in the rule. While not all would be subject to a public charge determination, it is likely that some portion will be concerned about participation in these programs and would disenroll. These harmful realities will have significant negative effects on the health and well-being of immigrants and their children.

By reducing the chances for potentially many immigrants in North Carolina to reach their full potential and ultimately obtain citizenship, the Trump rule can also [block economic mobility and earnings over time](#). Research on the economic impact of

naturalization shows that naturalized citizens' earnings increase by between 5 and 14 percent compared to noncitizens, when controlled for factors such as language ability and education. These data show that when immigrants have a path to citizenship, they experience an increase in economic potential that helps their family to make ends meet and benefits our whole state economy.

Everyone is affected when their neighbors and classmates are not able to get the healthcare they need to prevent illness or are not able to eat every day or put a roof over their head. Our communities at large are hurt when more people not contributing economically to their fullest potential.

The New Rule Values the Contributions of Wealthy Immigrants over Family Unity

The new Trump "public charge" regulation puts the wealthy ahead of families who've waited years to be reunited. The proposed rule would put further barriers to entry in front of the working poor, stay-at-home caregivers, and those with health conditions. While the United States has certainly not always honored its commitment to admit the "huddled masses yearning to breathe free," this policy takes us a dramatic step away further from that promise and toward a nation where only the rich need apply.

If I Am An Immigrant Or Work With Immigrant Families, What Do I Need to Know?

- The rules for immigrants who apply for a green card in the U.S. (who are not processed abroad) have not changed as of October 18, 2018. . Receipt of non-cash public benefits for which you are eligible currently are not considered when you obtain a green card in the U.S. under current law.
- Many categories of immigrants, including refugees, asylees, U and T visa holders, VAWA victims of domestic violence, and more are not subject to the public charge rule now, and still will not be under this proposed rule
- The public charge test considers the "totality of the circumstances" for a family, and use of public benefits is just one factor. Families will need advice to make individual determinations based on their situation. An immigration lawyer can help you present all the positive factors to support a finding that you will not be a public charge. Make sure you use a licensed immigration attorney or BIA-accredited representative to assist you in your case, and not a "notario publico."
- Using health care and nutrition benefits can help you be healthier and less likely to be dependent on the government.
- For individuals currently receiving public assistance, there may be no advantage to terminating benefits at this time. That may change if and when the rule goes into effect.

Your Voice Matters! Join the effort to submit public comments before December 10, 2018!

Click here to be directed to a site where you can submit your comments directly to the federal government:

<http://bit.ly/protectfamiliesNC>

- **Commenting Tips:**
 - You can comment on your own behalf, or on behalf of a friend, neighbor, community member, client, or patient.
 - Try to make your comment **unique, specific and personalized:**
 - Tell your own personal immigration story, or that of your family members.
 - Refer to how this will impact your school, church, health clinic, neighborhood, community center, etc.
 - Refer to North Carolina statistics, which can be found [here](#), or statistics you have from your work.
 - Comments must be submitted in ENGLISH to be counted. If you do not speak English, work with someone who can help you to translate your comment into English before submitting, or use an online translation service.
 - Anyone can comment! Your age, immigration status, national origin, profession, and geographic location do not matter. Host a commenting event to gather fellow church members, neighbors or colleagues to comment!

OTHER WAYS TO GET INVOLVED:

- Educate your communities about how this rule may affect them. Contact Kate Woomer-Deters, 919-861-2072, for more information about community education on this topic.
- Identify individuals who may be willing to share their story publicly. If you or someone you know is willing to share their story about how this proposed rule might impact their family, please contact: Kate@ncjustice.org, or 919-861-2072.

