



ASIAN AMERICANS ADVANCING JUSTICE ISSUES STATEMENT ON DETAILS OF NEW PUBLIC CHARGE RULE WHICH GOES INTO EFFECT TODAY

Norcross, GA, February 24, 2020 — Today, on February 24, 2020, the U.S. Department of Homeland Security's (DHS) final public charge rule will go into effect nationwide. The new DHS rule made sweeping changes to the previous "public charge" test and will disproportionately block lower-income immigrants of color from obtaining lawful permanent residency, getting a green card. The expanded public charge rule also will make it harder for immigrant workers and international foreign students from extending or changing their visas and undermine the ability of green card holders to re-enter the U.S. if they have spent more than six months abroad.

Asian Americans Advancing Justice, an affiliation of five civil rights organizations, issues the following statement:

"We are extremely disappointed with the U.S. Supreme Court's intervention to implement the Trump administration's changes to the public charge rule. However, litigation proceeds on the merits in the lower courts. Moreover, the State Department's parallel public charge regulation, which governs how the test is implemented abroad, is also set to go into effect today. On Friday, February 21, 2020, a New York federal district court denied a motion that would prevent the DOS rule from going into effect on February 24, and the Trump administration has issued the final forms and manual changes required to implement the regulation.

We condemn these racist policies, which seek to dramatically undermine the family-based immigration system that has been the backbone of our country and instead prioritizes wealthy and white immigrants. The public charge rule change continues the administration's inhumane assault on immigrant families by increasing denials of green card applicants.

Public benefits are essential in helping families stay healthy and thrive. Weighing the likelihood of future benefits use, along with discriminatory factors such as English language proficiency, is unjust, unnecessary, and does not strengthen the country. The administration has intentionally sought to scare immigrants and their families from using public benefits. Since the rule change was proposed at the end of 2018, over 13% of immigrant adults are reported to have dropped their use of public benefits out of fear of risking their future green card status. With the rules now final, the effect will be even more devastating for our communities.

As a nation, we should prioritize accessible pathways to lawful permanent residency and eventual citizenship, reuniting families, and helping them succeed. Immigrant families deserve the right to reunite with their loved ones and use programs to ensure they are healthy, safe, and thriving. We will continue to fight against the many attacks on immigrants and their families."

Please remember the following:

- The public charge rule does not apply to all immigrants - there are many exceptions.
- Many benefits are not considered in the public charge assessment.

- Only benefits used by the applicant for Legal Permanent Resident status are considered under the DHS rules.
- Different rules may apply to immigrants seeking visas from outside the U.S.

Public Charge Background and Important Information:

The new rule dramatically expands the types of public benefits that many eligible immigrants need based on the new public charge rules. Prior to the changes, only cash assistance, such as Temporary Assistance to Needy Families (TANF) or Supplemental Social Security Income (SSI), or institutional care paid for by Medicaid would be the basis of exclusion because of public charge grounds. Now, the use of supplemental health, nutrition or housing benefits that millions of working Americans rely upon, such as non-emergency Medicaid, food stamps, and subsidized housing, may be considered.

The rule will also impose an unprecedented test, assigning positive and negative weight to a range of five factors, to assess future benefits use that will penalize legal immigrants. Especially immigrant seniors and all immigrants who are low-income, lack English language proficiency, have chronic medical conditions and lack access to private health insurance, and who have not had access to educational opportunities. According to a report by Migration Policy Institute, more than 941,000 recent green card holders, including approximately 300,000 from Asian countries, would likely have been excluded if the rule had already been in effect when they applied.

Though more than 260,000 public comments submitted, DHS published a final regulation that departed only slightly from the proposed version. Despite several court decisions stopping the implementation of the final public charge rule, the U.S. Supreme Court ruled on January 27, 2020, to allow the DHS public charge rule to take effect nationwide while lawsuits continue (except for Illinois, where the rule remains blocked by a statewide injunction). However, per DHS, the final rule will only apply to applications submitted on or after February 24, 2020.

Medicaid, Supplemental Nutrition Assistance Program (SNAP, also known as food stamps), HUD public housing, and “Section 8” housing benefits received before February 24, 2020, will not be considered in the public charge determination.

Contact:

James Woo- 404-585-8446, jwoo@advancingjustice-atlanta.org

Asian Americans Advancing Justice is a national affiliation of five leading organizations advocating for the civil and human rights of Asian Americans and other underserved communities to promote a fair and equitable society for all. The affiliation’s members are: Advancing Justice | AAJC (Washington, DC), Advancing Justice - Asian Law Caucus (San Francisco), Advancing Justice - Los Angeles, Advancing Justice - Atlanta, and Advancing Justice | Chicago.

About Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees (“Asian Americans”) in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit www.advancingjustice-atlanta.org.