

US: The “public charge” rule’s effects on legal immigrant families

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Over the past months, the Trump administration, with minimal opposition from the Democratic Party, has intensified the most dramatic right-wing shift in US immigration policy. While mass roundups and the expansion of internment camps for immigrants have become the new normal, major attacks on the public benefits, health, well-being and immigration status of the working class is underway.

After leaked draft executive orders in January 2017, January 2018 and March 2018, an NBC report earlier in August revealed the administration’s plans to change existing immigration rules to deny permanent residency and citizenship to legal immigrants who might have accessed any kind of public benefits for themselves or their family members or dependents before submitting their application.

This change was anticipated by the Migration Policy Institute (MPI), which had earlier in the year published a report, “CHILLING EFFECTS—The Expected Public Charge Rule and Its Impact on Legal Immigrant Families’ Public Benefit Use.” As the report made clear, every legal immigrant using a social program is in danger of being labeled a “public charge” and therefore found ineligible for citizenship. Immigrant parents could be penalized for their children’s use of social programs, even if the children were US citizens. This in turn would have a negative impact on the most vulnerable section of the working class as a whole, preventing them from accessing the much needed social programs.

The expected rule, which could come into effect very soon, makes it more difficult for immigrants to obtain green cards, get temporary visas extended for themselves or dependents or use public benefits or tax credits for which they qualify. In addition, the use of public benefits by legal immigrant noncitizens might

even lead to their deportation.

The MPI report estimates the share of noncitizens being considered within the framework of “public charge” would expand from 3 percent of the total legal immigrant population under existing rules that were introduced by the Clinton administration to 47 percent. This would effectively codify a class quota for citizenship and migration. Furthermore, if the rule is used as grounds for the deportation of legally present noncitizens, “the size of the population at risk of removal could increase significantly beyond the current unauthorized and otherwise removable noncitizen populations.”

More than 10 million noncitizens live in benefit-receiving families and the total number of people facing public charge determination may increase more than 15-fold. The report presents a compelling argument that there will be a broad withdrawal from public benefits usage by vulnerable sections of the population once the new rule comes into effect. Data collected after the enactment of the 1996 welfare reform reveal that food stamp use fell by 53 percent among US citizen children in families with a noncitizen parent between 1994 and 1998. Temporary Assistance for Needy Families (TANF) use also fell 44 percent among noncitizens and 78 percent among refugees, while Medicaid usage fell by 17 percent and 39 percent within those populations.

These patterns from the 1990s suggest a 20 to 60 percent decline of immigrants using public benefits and services. The report shows that of the 82.6 million US residents using public benefits in the 2014-16 period, only 14 percent were immigrant noncitizens while the remaining 86 percent were US born. However, 42 percent of immigrants resided in families receiving benefits. Fifty-five percent of adult immigrants receiving these benefits were employed.

Because the new rule also targets the use of state (i.e., non-federal) benefits, it will have a direct impact on California and New York in particular, which account for 41 percent of immigrants residing in families that receive public benefits. Additionally, these states extended benefits to some legal immigrants excluded by the 1996 welfare law. California, the home to the largest number of immigrants (10.7 million out of the nation's 43.7 million in 2016), offers the CalFresh Food Assistance Program, which provides nutrition assistance to low-income households and the Cash Assistance Program for Immigrants (CAPI), providing state-funded assistance to low-income noncitizens who are disabled or seniors but ineligible for SSI because of their immigration status.

A major impact will be felt by children. A wide range of benefits is intended to promote their development, well-being, health and nutrition, as well as prenatal care. Reduced access to health care, higher poverty levels in general, increase in severe and chronic health issues, limited early childhood education, and negative psychological outcomes are likely to follow. In times of the most right-wing immigration policy in recent history, service providers have already reported decreased benefits use of those who are eligible out of fear of deportation.

Ultimately, millions of workers will go without basic needs, food, housing and health care because they fear to lose or not receive their immigration status. While immigration and access to public benefits will be limited, the ability to become self-sufficient is not only hindered, but a large number of people will be impoverished and later scapegoated for society's ills.

Politicians in both the Democratic and Republican parties will cite cuts in the use of social programs to justify further cuts. Concretely, the defense of immigrant rights and social programs is important for the defense of the rights of the working class as a whole.



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