

US Supreme Court approves public charge rule directed against legal immigrants

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On Monday the Supreme Court approved the Trump administration's "public charge" rule with a 5-4 vote. The highly contested rule, which was announced last August, altered existing immigration law to allow the administration to deny visas to legal immigrants if it determined that they were or could be a "public charge," that is, someone who relies on the government's assistance. The Supreme Court's decision, which nullified an order from a federal judge banning the rule, not only intensifies the attacks on immigrants, affecting their health, public benefits, well-being and immigration status, but has dangerous implications for the rights of the working class as a whole.

Although still being challenged in lower courts, the decision, which was issued as a response to the administration's emergency petition, lifts a nationwide injunction imposed by a district judge in New York. After immigrant rights groups and states had challenged the rule last year, many federal judges blocked the rule's implementation.

Chief Justice Roberts, Brett Kavanaugh, Samuel Alito, Clarence Thomas and Neil Gorsuch were in the majority, since the order remained unsigned by Ruth Bader Ginsburg, Stephen G. Breyer, Sonia Sotomayor and Elena Kagan, although they said they would have ruled against the administration's request. The Supreme Court decision allows the government to immediately put into effect the public charge rule's new standards, stopping immigrants from seeking public services, even if they qualify for it.

Every immigrant using a social program is in danger of being labeled a "public charge," which means permanent residency, citizenship or temporary visas can be denied to legal immigrants who might have accessed any kind of public benefits. This has already

had disastrous consequences, with a large number of working class immigrants staying away from much-needed social services. While the rule doesn't apply to the use of such facilities by the US citizen children of immigrants, the prevailing confusion about it and the justifiable fear of being denied green cards has led families to even keep children away from medical treatment.

A study by the Urban Institute showed that even before the rule took effect, "About one in seven (13.7 percent) adults in immigrant families reported that they or a family member did not participate in—meaning they did not apply for or dropped out of—a non-cash benefit program in 2018 out of fear of risking future green card status. Among adults in low-income families earning less than 200 percent of the federal poverty level, this rate was one in five (20.7 percent)."

Although US officials claim the change exempts asylum seekers and refugees who fled persecution for safety in the US, is not retroactive and does not penalize immigrants for family members receiving benefits (e.g., a child who is a citizen), there is widespread confusion about the new policy. The criminality of this situation is further underscored by the fact that a large number of children in immigrant families are in fact US citizens, and therefore not bound by the "public charge" rule at all. It is estimated that in 2017, approximately 10 million American children—about 13 percent of the total child population—had a non-citizen parent.

While mass roundups of and expanding internment camps for so-called illegal immigrants has become the new normal, the number of legal immigrants being denied visas or permanent residency based on public charge grounds has increased under the Trump administration. In 2019, more than 12,000 visa

applicants were denied on such grounds, after 1,033 people were denied in 2016 under Obama.

The anti-working class bias for this new rule is patently obvious at every level. To a large extent, highly qualified, high earning immigrants tend to not depend on most government programs. But beyond that, the factors that will be considered by immigration officials who make a determination about visa eligibility include not only whether or not an applicant has actually used a government program, but also whether there is a chance that they would in the future. To determine the latter, the ruling lists a host of “negative” factors, including unemployment, absence of high school credentials, and fluency in English.

The negative impact of such a program is far-ranging and has been catalogued by numerous public health activists. The deprivation of benefits including medical aid, nutritional aid, minimal cash benefits to low-income senior or disabled non-citizens hits the most vulnerable parts of society. Children in particular will feel a major impact. 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 the possibility of losing legal immigration status. This extension of the war on immigrants, first from the undocumented population, now to those who have legal documents, can only be seen as part of the larger onslaught against the working class as a whole.



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