



The Proposed Public Charge Inadmissibility Rule is an Attack on Disabled, Working-Class Immigrants

by Azza Altiraifi

Proposed “Public Charge” Rule Will Deepen Systemic Inequalities

On October 10, the Trump administration formally published its proposal to radically redefine the archaic “public charge” rule outlined in [Section 212\(a\)\(4\) of the Immigration and Nationality Act](#).ⁱ Current law defines a “public charge” as any person who is determined likely to become primarily dependent on government-sponsored cash assistance or long-term institutional care. The Trump administration’s new proposal drastically expands the test by requiring immigration and consular officials to deny permanent residence to anyone they predict would receive supplementary forms of assistance not previously considered, including the Supplemental Nutrition Assistance Program (SNAP), non-emergency Medicaid, Medicare Part D, and housing assistance.ⁱⁱ

This move builds on a shameful historical legacy of denying immigrant applicants considered too disabled to be productive contributors to this country.ⁱⁱⁱ It would also give government officials broad authority to single out working-class and disabled immigrant applicants for discriminatory treatment.

This proposal is a wide scale attack on working-class immigrants with disabilities

This test unambiguously seeks to skew immigration admission towards wealthy and non-disabled applicants. Its stated goal is entirely [at odds](#) with the Americans with Disabilities Act’s promise of equal opportunity, economic self-sufficiency, full participation, and independent living.

- Some 900,000 to 1 million immigrants annually who would otherwise be eligible for green cards would be at risk of being denied because of the new public charge test.^{iv} Another 1 million US citizens who are sponsoring immigrants seeking green cards would be adversely impacted each year.^v
- Disabled and working-class immigrants will be disproportionately harmed by such a policy, with 1 in 5 households that utilize SNAP benefits containing a person with a disability.^{vi} Additionally, 89% of households using federal rental assistance in the US include children, people who are elderly, or people with disabilities.^{vii}

Key components of the proposal

The proposed public charge inadmissibility rule adopts several new standards for applying the public charge test. While officials must consider the totality of the circumstances when applying it, several factors are given heavy negative weight.

- Households with total earnings less than 125% of the Federal Poverty Level (FPL) will have this heavily weighed against them. Conversely, households earning an income of 250% or more of the FPL will have this heavily weighed positively.
- Applicants with a serious chronic health condition or disability that would restrict their ability to work and require extensive treatment for which an applicant does not have private insurance or the financial means to pay out of pocket is a heavily weighed negative factor.
- **Other negative factors include** limited English proficiency, limited education, poor credit history, and being under 18 or over 61 years of age.

By effectively making wealth and ability preconditions for obtaining a green card or entering the US, the administration will be entrenching systemic disparities which favor white, wealthy and non-disabled immigrant communities.

The public charge regulation will break up families and devastate communities.

Some 200,000 married couples could be separated if the new public charge rule is implemented in its proposed form.^{viii} The proposal will also trap working-class immigrants in the untenable position of choosing between coverage for their families and putting their immigration status at risk.^{ix} As a result, immigrant families' access to public services and assistance will be severely limited.

Next Steps and Additional Resources

- The Department of Homeland Security (DHS) has published the public charge regulation proposal in the Federal Register, triggering a public comment period which closes on December 10, 2018. DHS is legally obligated to consider all comments posted during this period prior to implementing the rule. Make your voice heard and demand that DHS immediately withdraw this discriminatory and dangerous proposal.
- The [Protecting Immigrant Families coalition resource site](#) contains templates and guidance on how to post a comment to the Federal Register.
- The Arc has also developed a [microsite](#) with draft comments that you can personalize and submit directly to DHS.
- [Talk Poverty](#) has created an online [card stack](#) explaining the Public Charge rule.
- [Rooted in Rights](#), a multimedia advocacy organization which produces videos and social media campaigns focused on disability rights issues partnered with the [National Coalition of Latinxs with Disabilities](#), to produce a [short captioned video](#) on the impacts of the proposed public charge rule.

Endnotes

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- ⁱⁱ Protecting Immigrant Families, “Proposed Changes to Public Charge: Analysis and Frequently Asked Questions,” October 10, 2018, available at <https://docs.google.com/document/d/1FMcQYbV4DWPa9bPQn63oQVJkbnRqxe5dRmjiVFi0lfg/edit>.
- ⁱⁱⁱ Livia Gershon, “The Problem with ‘Public Charge’ Rules,” *JSTOR Daily*, October 11, 2018, available at <https://daily.jstor.org/the-problem-with-public-charge-rules/>.
- ^{iv} Shawn Fremstad, “Media Underplaying Number of Immigrants Affected by Trump’s ‘Public Charge’ Proposal,” Center for Economic and Policy Research Blog, October 2, 2018, available at <http://cepr.net/blogs/cepr-blog/media-underplaying-number-of-immigrants-affected-by-trump-s-public-charge-proposal>.
- ^v Ibid.
- ^{vi} Food Research & Action Center, “US Hunger Solutions: Best Practices for Improving Access to SNAP for People With Disabilities,” available at <http://www.frac.org/wp-content/uploads/best-practice-improving-snap-access-people-with-disabilities.pdf> (last accessed October 2018).
- ^{vii} Center on Budget and Policy Priorities, “Fact Sheet: Federal Rental Assistance,” available at <https://www.cbpp.org/sites/default/files/atoms/files/4-13-11hous-US.pdf> (last accessed October 2018).
- ^{viii} Doug Rand, “Trump Plan Could Break Up Nearly 200,000 Married Couples [Opinion],” *Houston Chronicle*, October 9, 2018, available at <https://www.houstonchronicle.com/opinion/outlook/article/Trump-administration-threatens-to-break-up-nearly-13293747.php>.
- ^{ix} Sabrina Corlette, “Proposed ‘Public Charge’ Rule Risks Immigrants’ Access to Private Coverage, Too,” October 12, 2018, available at <https://ccf.georgetown.edu/2018/10/12/proposed-public-charge-rule-risks-immigrants-access-to-private-coverage-too/>.