

Trump Administration limits legal immigration of Latinos and others:

NHMA and Latino national advocacy organizations voiced their concerns for the August 14, 2019 issued Public Charge Rule to take affect Oct. 15th that could increase deportations of legal immigrants with green cards if they are found to have 5 years of using Supplemental Security Income (SSI), given to disabled and older people; the Supplemental Nutritional Assistance Program (SNAP), AKA food stamps; Section 8 housing vouchers; many Medicaid benefits; and Temporary Assistance for Needy Families (TANF), to legal residents.

On August 14, 2019, the Department of Homeland Security (DHS) published a new public charge rule, governing public charge inadmissibility determinations by U.S. Citizenship & Immigration Services (USCIS). The new rule is set to take effect on October 15, 2019. Applications already pending with USCIS before October 15, 2019 will be adjudicated under prior public charge guidance. Lawsuits have been filed to challenge this new public charge rule, so implementation of the new rule may be delayed beyond October 15, 2019.

U.S. law allows for the deportation of immigrants who have become “public charges” within five years of admission if their reason for seeking help preceded their entry to the United States - for example, if they had a chronic disease. But due to a 1948 ruling, the deportation of immigrants for using public benefits has been strictly limited to cases in which the government has demanded payment for public services, and the person has failed to pay. Immigration lawyers said they have rarely if ever heard of someone being deported for using public benefits. The draft rule indicates the government would override that precedent to allow for deportation of some permanent residents who have used certain public benefits within five years of admission.

According to federal policy, many permanent residents do not qualify for public benefits unless they have had a green card for five years, making it unlikely they could be targeted for deportation on the basis of public charge even under the draft rule. But dozens of states have looser rules - for instance, allowing pregnant women and children who are permanent residents to access Medicaid without a waiting period.

And the effort to tighten the rules could affect thousands of immigrant veterans, refugees and asylees, who are eligible to receive many benefits without time restrictions. Active members of the military would not be affected.