

Public Benefits and Immigration

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What is Public Charge/Public Benefits, and why is it important?

- ▶ Two main components
 1. Comes from a public entity
 2. Based primarily on income
- ▶ Can have consequences in immigration
 1. Can make individuals inadmissible
 2. For those who are here lawfully, can also make them deportable

Evolution of Public Charge

- ▶ Used historically as a form of anti-immigrant sentiment
 - ▶ Exclusion of “idiots, lunatics, convicts and persons likely to become a public charge: - 1882
 - ▶ In 1890’s - had to have \$25 plus enough cash to purchase ticket to final destination
 - ▶ In 1915, Supreme Court expanded public charge, to include poverty, insanity or disease
- ▶ Today
 - ▶ Primarily dependent on state assistance or long term institutionalization
 - ▶ Possible expansion of Public Charge to include more benefits

Current Public Charge vs. Proposed Changes

- ▶ Only three forms of assistance that constitute public charge
 - ▶ TANF, SSI, State Cash Assistance
 - ▶ Also long term institutionalization
 - ▶ Does not include non-cash programs, i.e. SNAP, Medicaid, etc
- ▶ Administration has attempted to change this
 - ▶ Could include monetizable benefits
 - ▶ Generic point system that weights positive and negative factors, including age, disease, financial history, family size, etc

What we know so far

1. Nothing has changed
2. US Citizens still eligible for benefits - will not affect immigrant family members
3. Bond may be available for some individuals
4. Implementation is vastly unclear, and seemingly impossible

Who isn't affected by Public Charge

- ▶ Refugees/Asylees
- ▶ Cubans/Haitians
- ▶ Victims of Crime/Domestic Violence (U Visa, T Visa, VAWA)
- ▶ Special Immigrant Juveniles
- ▶ Individuals who have been Permanent Residents for 5+ years
- ▶ And of course, U.S. Citizens
- ▶ Certain Individuals in Removal Proceedings

Who is affected by Public Charge

- ▶ Family Based Migrants (Also called Chain Migration)
- ▶ Employment Based Immigrants
- ▶ Non-immigrant visa holders - think expecting mothers or those with long-term illness seeking medical treatment

Who is especially vulnerable to Public Charge grounds

- ▶ Young & Old
- ▶ Those with severe medical conditions
- ▶ Those who may have switched/changed receipt of immigration status or benefits

Questions?

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