



IMMIGRATION UPDATES

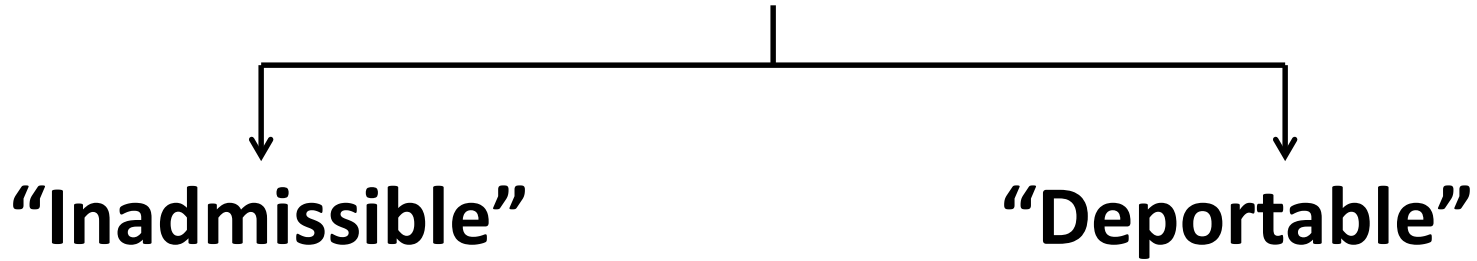
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Public Charge **Blocked**



Admissibility

“Removable”



What is “Public Charge”

- Refers to a person who is likely to become dependent on the government for financial or material support
- Can be the basis for denying “admission”
 - Non-immigrant visa
 - Green Card



Who is Subject?

- Anyone seeking LPR status through a family petition
- Certain individuals seeking LPR status through an employment petition
- Individuals seeking a non-immigrant visa



Who is NOT Subject?

- Refugees/asylees
- VAWA self-petitioners
- U visa beneficiaries
- Individuals renewing TPS or DACA
- Special Immigrant Juveniles
- Applicants for naturalization
- Individuals renewing a green card



Current Policy

An individual who is likely to become *primarily* dependent on the government for subsistence, as demonstrated by either the receipt of:

- (1) Public cash assistance for income maintenance: TANF, SSI, or similar state and local programs
- (2) Institutionalization for long-term care at government expense



Factors They Consider

- Age
- Health
- Family Status
- Assets
- Resources
- Financial Status
- Education
- Skills

No single factor will be determinative



Factors to Consider

Not Subject to Public Charge Consideration

- Medicaid
- CHIP
- SNAP
- WIC
- Housing
- Child Care Services
- Energy Assistance



Current Policy

I-864, Affidavit of Support

- Filed by sponsor of intending immigrant showing household income \geq 125% of the federal poverty limit
- Properly filed I-864 is usually sufficient to find that a person will not be a public charge



Court Injunctions

Nationwide:

Washington

New York

Maryland

State Specific:

California (CA, OR, ME, PA, DC)

Illinois (IL only)



New Rule

Implementation Delayed Indefinitely

New Definition for “Public Charge”

An individual who is, “likely at any time in the future to receive one or more,” of the listed public benefits



Subject to Public Charge Consideration

Where any of the benefits are received for an *aggregate* 12 months during a 36 month period.

- Cash assistance programs (TANF, SSI)
- Any benefit for long term institutional care
- Supplemental Nutritional Assistance Program (SNAP)
- Section 8 Housing
- Non-Emergency Medicaid
(*except children and pregnant women*)



Factors to Consider

- Age – Not working age?
- Health – Chronic illness?
- Family Status
- Assets
- Resources
- Financial Status
- Education – LEP?
- Skills



New Factors to Consider

- Authorized to work but not employed or a full-time student
- Received or been approved to receive listed benefit
- Lacking private health insurance



Proposed Policy

Affidavit of Support

- I-864 loses weight
- Family support won't be heavily weighted under 250% FPL



Resources

[Protectingimmigrantfamilies.org](https://protectingimmigrantfamilies.org)

[Miracoalition.org/pif](https://miracoalition.org/pif)



What Can We Do?

Education – make sure our communities know what the rule says and who it applies to

Story Collection – we need stories to share with the media (can be anonymous, but names would be better). Email stories to pifma@miracoalition.org.



Public Charge: Deportability



Current Law

- 1) Received benefits for reasons that existed prior to admission;
- 2) Received such benefits within 5 years of admission;
- 3) You or sponsor owe a debt to the government to reimburse for benefits and received notice to reimburse within 5 years of admission; and
- 4) You or sponsor failed to repay and the government won a suit to demand repayment.



What do we know?

- Expected – placeholder language in draft USCIS Public Charge that leaked to the press
- Some things they can't change
- Will come from DOJ (Immigration Courts), not USCIS
- No solid indications of timing, but could be soon
- Same process as Admissibility change



Proposed HUD Rule



HUD Proposed Rule

1. All residents under 62 years old must have status verified through SAVE
2. Head of household or spouse must have authorized, eligible status



HUD Proposed Rule

- 25,000 households
- 108,000 people
 - 70% (76,000) legally eligible
- 55,000 children legally eligible
- \$8,400/year for mixed status families



Temporary Protected Status



Temporary Protected Status

- Granted to nationals of countries in crisis who are presently in the U.S.
 - On-going armed conflict
 - Natural disaster
 - Extraordinary temporary conditions
- May last for 6, 12 or 18 months
- Cannot apply for TPS from home country



Temporary Protected Status

Country	National #s	Designated	Expires
El Salvador	262,500	2001	January 2, 2020
Haiti	58,600	2010	January 2, 2020
Honduras	86,000	1999	January 5, 2020
Nepal	14,800	2014	January 2, 2020
Nicaragua	5,300	1999	January 2, 2020
Somalia	500	2001	March 17, 2020
Sudan	1,050	2004	January 2, 2020
South Sudan	75	2011	November 2, 2020
Syria	6,900	2012	March 31, 2021
Yemen	1,250	2015	March 3, 2020

DACA



DACA - Eligibility

- Entry before June 15, 2007
- Entry before turning 16 years old
- Born after June 15, 1981
- Undocumented on June 15, 2012
- Be in school or have graduated from high school
- Have no felony convictions, no more than 2 misdemeanor convictions, and no convictions for a “significant misdemeanor”



DACA – Where are we?

- September 5, 2017: announcement ending DACA
- Various courts issued injunctions keeping DACA open:
 - January 9, 2018: CA District Court.
 - November 8, 2018: 9th Circuit affirmed District Court opinion
 - February 13, 2018: NY District Court
 - March 5, 2018: MD District Court **DENIED** injunction
 - May 17, 2019: 4th Circuit reversed District Court opinion
 - April 24, 2018: DC District Court
- Supreme Court hearing **November 12!**



Other Issues



Census

- Supreme Court blocked inclusion of citizenship question
- Encourage everyone to fill out the census
- Law protects against use of census information for law enforcement purposes



Fee Waiver

- Mostly used for citizenship and green card renewals
- Eligibility:
 - ~~Means-Tested Benefit~~
 - $\leq 150\%$ FPL
 - Financial Hardship
- Can use old form until Dec 2, 2019.



Notice To Appear

- Charging document for immigration court
- Under Obama, USCIS would only issue if:
 - Serious criminal conduct
 - Fraud in the application
- New policy to issue NTA anytime an applicant is removable



Matter of A-B

- Particular Social Group
- Impacted
 - Domestic Violence
 - Gang Violence
- *Grace v Whitaker* – DC District Court enjoined policy in credible fear determinations



Questions?





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