

Resolution No. 1006-2019

Council Member Kelley

FOR PASSAGE
August 21, 2019

AN EMERGENCY RESOLUTION

Oposing the Trump Administration's revision to the "public charge" rule that would presumably make it more difficult for low-income immigrants to obtain green cards.

WHEREAS, the Trump Administration recently rolled out new hardline immigration policy with a sweeping rule that targets legal immigrants who use welfare benefits, such as food stamps and government-subsidized housing; and

WHEREAS, under current rules, a person is not considered "likely to become a public charge", meaning a burden on the government, as long as the person has a sponsor who demonstrates income greater than 125% of the federal poverty guidelines (currently \$20,575 for a couple without children); and

WHEREAS, the new rule, if enacted, would require caseworkers to consider the use of government housing, food and medical assistance such as Section 8 housing vouchers and the Supplemental Nutrition Assistance Program (SNAP); the rule would subject immigrant households who fall below certain income thresholds to the "public charge" test — which would also consider how well applicants speak, read and write English; under the proposed rule, any diagnosed medical condition that requires extensive medical treatment would also "weigh heavily" in evaluations by caseworkers; and

WHEREAS, the new "public charge" standard implicitly and incorrectly assumes that immigrants who receive benefits are not and cannot become productive contributors to society; and

WHEREAS, Council understands that discussion of the rule's roll-out has already had a "chilling effect" on many immigrant communities, including households and families who are not directly affected by it; and

WHEREAS, according to a study by the Urban Institute, more than 13% of adults in immigrant families said they were not participating in public programs such as food stamps and subsidized housing due to concerns that the so-called "public charge" rule would hinder their ability to obtain green cards; the number of immigrants conveying this fear has risen to 20.7% since May, 2019; and

WHEREAS, in addition, although the proposed rule would affect only immigrants in the U.S. who are not citizens or permanent residents, and those who immigrate to the U.S., the Urban Institute study showed that both green card holders and U.S. citizens avoided public benefits because of the proposal's expected implementation; and

WHEREAS, nearly 15% of immigrants in families in which all members had green cards and 9.3% of adults in families comprised of naturalized U.S. citizens said they did not participate in government assistance programs within the past 12 months due to concerns about the proposed rule's impact on their and their family members' ability to qualify for permanent residency; and

WHEREAS, the only way to ensure that the new rule does not affect you is to show a household income above 250% of the federal poverty guidelines (currently \$41,150 for a couple with no children); and

WHEREAS, according to the Migration Policy Institute, a 250% income threshold means that 56% of all family-based green card applicants could be denied; strict

enforcement of the proposed new rule could mean that more than half of all marriage green card applicants would be denied; and

WHEREAS, coming from a country with a lower standard of living than the U.S. would make it practically impossible to pass the public charge test; and

WHEREAS, although the proposal does not include Medicaid and the Children's Health Insurance Program (CHIP) in its "public charge" considerations, researchers at the Health Policy Center believe immigrant parents, particularly in Latino and Asian American communities, will drop these benefits due to concerns surrounding their immigration status and ability to remain in the U.S. legally with their children; thus as many as 6.8 million U.S. citizen children enrolled in Medicaid and CHIP with parents who are non-citizens could be affected by the new regulation and this would undoubtedly cause the cost of caring for and feeding these immigrants to increase; and

WHEREAS, even though Ohio lost 183,000 native-born people in the past 6 years, nearly 113,000 immigrants moved into the state during that same period, thus helping stabilize Ohio's population; and

WHEREAS, although many immigrants in Ohio are well educated, that does not mean that it will be enough to pass a new public charge test; moreover, it is less likely that low-skilled immigrants can pass the new public charge test; however, Ohio needs all of these immigrants, none of whom are a drain on the economy; rather they are a source of growth helping to stabilize the population, economy, and workforce; and

WHEREAS, northeast Ohio has the densest population of foreign-born residents in the state: immigrant population in Ohio is 4.3%; in Cleveland it is 5.2%; thus the new rule would significantly and disproportionately affect all people in Cleveland; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council hereby opposes the Trump Administration's change to the "public charge" rule that would presumably make it more difficult for low-income immigrants to obtain green cards.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President of the United States, Ken Cuccinelli, Acting Director of U.S. Citizenship and Immigration Services, the Ohio Congressional delegation, Governor Mike DeWine, all members of the Ohio legislature and representatives from Global Cleveland.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

KJK:rns
8/21/19