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Greater Boston Legal Services

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“Public charge” proposal is an attack on low-income immigrants

Today the U.S. Department of Homeland Security published proposed rules that would put immigrants who access public programs for health care, food, or housing at risk of being denied green cards.

The proposed rules would radically expand who is considered likely to become a “public charge” – i.e., dependent on government benefits. The federal government proposes to allow immigration officials to count immigrants’ use of Medicaid (MassHealth) except for emergencies, Medicare Part D, SNAP (food stamps), and federal housing assistance against them in the public charge determination.

“GBLS condemns this transparent attempt to skew the immigration system dramatically in favor of the wealthy. Immigrants contribute invaluablely to our communities, regardless of how much money they make,” said Executive Director Jacquelynne Bowman. “When immigrant families are afraid to access medical care, nutrition, and housing, the whole community suffers. We are joining communities and allies across the country to fight this cruel proposal.”

The proposed regulations are not yet in effect, and will not become final until early 2019 at the soonest. Health, food, and housing benefits used before the rule becomes final will not count, so advocates urge immigrant families not to give up these necessary benefits now. In addition, the use of benefits by an immigrant’s eligible family members – such as their U.S. citizen children – will not count. In most cases, immigrants who do not yet have green cards are ineligible for benefits for themselves, but can access services for family members who qualify.

Moreover, some categories of immigrants – such as refugees, asylees, and those who get status due to domestic violence – are not subject to the public charge test at all. However, the fear caused by the new proposal is already causing immigrant families to give up benefits they need to stay healthy and keep a roof over their heads. GBLS continues to work with low-income immigrant families and immigrant-serving community groups in Greater Boston to help them meet their basic needs.

About Greater Boston Legal Services (GBLS): GBLS assists survivors of domestic violence, homeless families, elders, people with disabilities, homeowners facing foreclosure, tenants in no-fault evictions, low-wage workers, families with no source of income, and immigrants facing persecution. Annually, GBLS provides legal assistance to more than 9,000 families and individuals who live at or below 125% of the federal poverty standard. GBLS also provides legal counsel to dozens of community-based groups and organizations and conducts strategic impact advocacy to bring about positive systematic change throughout the region and state. For more information, please visit www.gbls.org.