

# PROPOSED “PUBLIC CHARGE” RULE CHANGE: GUIDELINES FOR SUBMITTING COMMENTS (due by [12/10/2018](#))

On October 10, 2018, the Trump Administration published a proposed rule that will change how the “public charge” ground of inadmissibility is applied. The proposed rule is a dramatic change that will remake our immigration system to value wealth and education over family ties. The public comments opposing the rule can be submitted through December 10, 2018.

Turn over to page 2 to learn more about the rule change.

## WHERE CAN I COMMENT?

Some of the websites linked below focus on specific aspects or impacts of the rule. Pick the issue that most appeals to you, or go to the [Protecting Immigrant Families](#) site for a general comment. **Don't forget, if you don't customize your comment, it won't count!**

- [Protecting Immigrant Families Campaign](#)
- [Access to Healthcare](#)
- [Anti-Hunger](#)
- [Asian and Pacific Islanders](#)
- [Child Advocacy](#)
- [Faith Perspective](#)
- [Immigrant Rights](#)
- [Young Adults](#)

You can also comment right at the [federal comment portal](#). The limit is 5000 characters, OR, if you have a longer comment, you can upload it.

## What can MAINERS do to try to STOP the proposed rule from taking effect?

### SUBMIT A PUBLIC COMMENT OPPOSING IT!!

The government **must** accept public comments through **Dec. 10, 2018**. Help us reach more than 100,000 comments opposing the rule!

## Who can comment?

**ANYONE!** Organizations, individuals, government employees and elected officials, citizens, noncitizens, businesses, etc. Have your co-workers, family members, friends, and networks submit comments.

Note: Nonprofit organizations CAN comment – doing so is not lobbying.

## How do I submit a public comment?

- **Comment directly** at the [federal comment portal](#).
- Or **go to a comment microsite** that has PRE-WRITTEN comments. (See links at left). **You just need to CUSTOMIZE THE COMMENT.** (If you don't, it won't count!)
- Note: Comments must be in ENGLISH but you can post a comment for a friend, family member, co-worker etc. who isn't able to write in English.

## How do I write a customized comment?

Add a few sentences of your own, *at the beginning* of a pre-written comment.

- **Say who you are** (Are you a concerned citizen? A taxpayer? An immigrant? A child or descendent of immigrants? A person commenting on behalf of an immigrant friend who doesn't speak English? A friend, co-worker, or employer of an immigrant? Someone providing services to immigrants? An immigrant business owner? An employer who needs more workers? Etc.)
- **Say why you care** (You worry this will harm families? You think this law goes against U.S. values? You feel if this rule had existed when your parents/grandparents/great-grandparents etc. immigrated, they would have been denied residency and then you, your parents etc. would not have been able to contribute as you/they have to the U.S.? You think immigrants should be able to get public assistance when they need help to stay healthy and safe? You think our economy needs more, not fewer, immigrants? Etc.)
- **Say clearly that you oppose the rule** and want it withdrawn.
- **Say why**– or just let the prewritten comment say that for you.

**Note:** If you paste any links to outside items in your customized comment, SAY SPECIFICALLY that you want the government to read/look at the link(s) as part of your comment, or they won't include it.

**That's it! Thank you for voicing your opposition!**

**What is “Public Charge”?** One of the nation’s oldest immigration laws allows the U.S. to deny entry or permanent residency (the “green card”) to anyone who is “likely to become” a public charge - someone who, after immigrating, will be primarily dependent upon public assistance to survive. Since 1996, immigrants applying for residency as immediate family members of U.S. citizens and permanent residents (**LPRs**) have been required to file an “Affidavit of Support” showing that their U.S. citizen or LPR relative, or a joint sponsor, has an income that is at least 125% of the annual federal poverty level (**FPL**) for their household size. In most cases, that overcomes any public charge concerns.

## What would the proposed rule change do?

The proposed rule change is **an attack on immediate family immigration**. It would fundamentally change how the government decides whether family-based immigrants would be “likely to become” a public charge.<sup>1</sup>

### **The proposed rule would:**

- Change the law so that as little as \$4.99/day of benefits use, not just dependence on benefits, by the intending immediate family immigrant, can lead to a “likely to become a public charge” finding, and denial of residency.
- Make the current “Affidavit of Support” filed in all family-based immigration cases a **mere threshold step** in the government’s assessment of whether an intending immigrant will be “likely at any time to become a public charge.”
- **Create new negative factors** that the intending immediate family immigrant must overcome even after submitting a sufficient “Affidavit of Support”, including among others:
  - **Being younger than 18**
  - **Being over 61**
  - **Lack of private health insurance**
  - **Not already being fluent in English**
  - **Lack of higher education**
  - **Having children (the more children, the greater the negative weight)**
  - **Lack of a job in the U.S.**
  - **A credit score rating that is not “good” or higher**
- Create new “positive factors” that can overcome the negative factors:
  - Having a household income between 125% and 250% of the FPL is a positive factor, but not a persuasive one.
  - The **only “heavily weighted” positive factor** that can overcome the negative factors is having a **household income and resources over 250% of the FPL**. That is nearly \$63,000 for a household of four. The median household income in the U.S. falls short of that level, at \$60,000.
- Allow the government to offer, but not allow the intending immigrant to ask for, a chance for her/him to pay a “public charge bond” of at least \$10,000 to overcome a negative “public charge” finding, **creating a new arbitrary and unfair “pay to play” standard for family immigration**.

## What will be the impact of the rule if it takes effect?

- It will cut family based immigration to the U.S. by as much as half, dividing families or keeping undocumented family members in the shadows.
  - Nationwide, under this rule, as many as 300,000 immediate family immigrants could be denied residency *annually*. **In Maine, about 500 fewer immediate family immigrants would get residency each year.** This means **more family separations** - more single-parent households, and more children living without their immigrant parents. It also means **fewer new LPRs in Maine to continually renew our communities, and to work, spend, pay taxes, and volunteer**, while Maine’s population continues to grow older, and birth rates remain below replacement level.
- It will **“chill” people’s willingness to get public benefits to stay safe and healthy**, even for their U.S. citizen children, out of worry that their relative will be denied residency.
- It will **prioritize well-off, highly educated individuals as the only people worthy to immigrate to the U.S.**, ignoring centuries of immigration history and our nation’s values that have recognized that while people may come here with little, they go on to contribute and succeed.
- It will **harm our economy by dividing families, by discouraging benefits use, and by depriving the country, and Maine, of the energy of new people who keep our communities vibrant**.

<sup>1</sup> The rule change won’t apply to applicants for residency as refugees, asylees, certain survivors of domestic violence, human trafficking, etc.