Immigration Committee Staff

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## THE COUNCIL OF THE CITY OF NEW YORK

# **COMMITTEE REPORT OF THE JUSTICE Division**

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**COMMITTEE ON IMMIGRATION**

*Hon. Carlos Menchaca, Chair*

**September 12, 2019**

**Proposed Int. No. 1707-A:**  By Council Member Menchaca

**Title:** ALocal Lawin relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds

**Preconsidered Int. No. 1708:**  By Council Member Moya

**Title:** ALocal Lawin relation to requiring the distribution of information on local emergency feeding programs

**Administrative Code:** Adds new § 21-143 to the Administrative Code

**Preconsidered Int. No. 1711:**  By Council Member Rivera

**Title:** ALocal Lawin relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds

**Proposed Int. No. 1690-A:**  By Council Member Cabrera

**Title:** ALocal Lawin relation to requiring the department of social services/human resources administration to provide legal assistance providers information

**Preconsidered Res. No. 1047:** By Council Member Levin and the Public Advocate (Mr.

Jumaane Williams)

**Title:** AResolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds”

# **Introduction**

On September 12, 2019, the Committee on Immigration, chaired by Council Member Carlos Menchaca, will hold a second hearing and a vote on the following legislation: Proposed Int. No. \_\_\_\_\_-A, sponsored by Council Member Menchaca, in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds; Preconsidered Int. No. \_\_\_\_\_, sponsored by Council Member Rivera, in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds; Preconsidered Int. No. \_\_\_\_\_, sponsored by Council Member Moya, in relation to requiring the distribution of information on local emergency feeding programs; Proposed Int. No. \_\_\_\_\_-A, sponsored by Council Member Cabrera, in relation to requiring the department of social services/human resources administration to provide legal assistance providers information; and Preconsidered Res. No.\_\_\_\_\_, sponsored by Council Member Levin, calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds.” The committee first heard this package of legislation, including prior versions of Proposed Int. No.\_\_\_\_ -A (Menchaca) and Proposed Int. No. \_\_\_\_-A (Cabrera), on September 3, 2019.

# **Background**

# Immigrants in New York City

New York City is home to 3.2 million immigrants, the largest number in the city’s history. Immigrants comprise nearly 37.1 percent of the city population and make up more than 44 percent of the City’s workforce.[[1]](#footnote-1) As of 2013, more than half of New Yorkers (6-in-10) were either foreign-born or children of immigrants,[[2]](#footnote-2) and as of 2019, MOIA reports that 60 percent of New Yorkers live in households with at least one immigrant,[[3]](#footnote-3) with over one million New Yorkers living in households with at least one undocumented immigrant.[[4]](#footnote-4) While the majority of foreign-born New Yorkers are naturalized U.S. Citizens (56.2 percent), MOIA estimates that another 660,000 immigrant New Yorkers are lawful permanent residents currently eligible to naturalize, with a slightly smaller undocumented population of approximately 477,000.[[5]](#footnote-5)

In addition to making up a critical mass of New York City’s population, immigrants are major contributors to the City’s economy. In their 2019 report, MOIA found that immigrants contributed an estimated $228 billion to the City’s Gross Domestic Product (GDP), or about 25.8 percent of the City’s total GDP.[[6]](#footnote-6) While the workforce participation rates among immigrants are comparable to their U.S.-born counterparts, undocumented immigrants have a higher rate of workforce participation at 77.4 percent compared to 64.9 percent for U.S.-born citizens and approximately 63.2 percent for all documented immigrants.[[7]](#footnote-7) Immigrants are also entrepreneurial, making up a majority of the business owners in New York City.[[8]](#footnote-8) Nationally, immigrants own businesses at a higher rate (10.5 percent) than their U.S. born counterparts (9.3 percent).[[9]](#footnote-9) Immigrants in New York pay an estimated $8 billion in City and State personal income taxes and approximately $2 billion in City property taxes every year.[[10]](#footnote-10)

# Public Charge Inadmissibility Rule

On August 14, 2019, the federal administration published a final rule, titled “Inadmissibility on Public Charge Grounds,” that amends Department of Homeland Security (DHS) regulations by prescribing how DHS will determine whether a noncitizen applying for admission or adjustment of status is inadmissible to the United States under Section 212(a)(4) of the Immigration and Nationality Act (INA), because they are likely at any time to become a “public charge.” This final rule is effective at 12:00 a.m. Eastern Time on October 15, 2019. The final rule follows a Notice of Proposed Rulemaking (NPRM) originally published on October 18, 2018, to which more than 266,000 public comments were submitted for review prior to the rule being finalized. As written, the rule expands the circumstances under which an individual will be considered a “public charge,” and therefore inadmissible when applying for admission or adjustment of status.[[11]](#footnote-11) The proposed rule would apply to individuals seeking admission to the U.S. from abroad on immigrant or nonimmigrant visas, individuals seeking to adjust their status to that of lawful permanent resident from within the U.S., and individuals within the U.S. who hold a temporary visa and seek to either extend their stay in the same nonimmigrant classification or to change their status to a different nonimmigrant classification.[[12]](#footnote-12) Individuals exempt from the public charge rule would be groups of noncitizens that Congress specifically exempted from the public charge ground of inadmissibility, including refugees, asylees, Afghans and Iraqis with special immigrant visas, nonimmigrant trafficking and crime victims, individuals applying under the Violence Against Women Act, and special immigrant juveniles.[[13]](#footnote-13) Additionally, the rule excludes consideration of benefits received by U.S. citizen children of noncitizens who will acquire citizenship under either section 320 or 322 of the INA, and by noncitizen service members of the U.S. Armed Forces and their families.[[14]](#footnote-14)

The final rule vastly expands: (1) the definitions for public charge and public benefits, and changes the standard that DHS uses when determining whether a noncitizen is likely to become a “public charge” at any time in the future and is therefore inadmissible and ineligible for admission or adjustment of status; (2) allows noncitizens who want to adjust their status to post a bond and obtain adjustment of status, despite being determined inadmissible on public charge grounds and in certain circumstances, allows a noncitizens to obtain a waiver of the public charge ground of inadmissibility; and (3) makes nonimmigrants who have received, since obtaining the nonimmigrant status they are seeking to extend or for which they are seeking to change, designated public benefits for more than 12 months in the aggregate within any 36-month period generally ineligible for change of status and extension of stay.[[15]](#footnote-15) The expanded definition for public charge would have DHS look at five factors[[16]](#footnote-16) more closely in determining whether a noncitizen is likely to become a public charge in the future, even if the individual has never used benefits in the past. The expanded definition of public benefits would include programs that were previously excluded from public charge determinations, such as Non-emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and several housing support programs.[[17]](#footnote-17)

Notable differences from the NPRM in the final rule are as follows:[[18]](#footnote-18)

1. The exhaustive list of public benefits listed excludes the Medicare Part D Low-Income Subsidy Program and institutionalization for long-term care at government expense;[[19]](#footnote-19)
2. Public benefits use that would trigger grounds for inadmissibility will be based solely on benefit receipt for a duration of 12 months in the aggregate within a 36-month timeframe;[[20]](#footnote-20)
3. In addition to foreign-born individuals eligible for immigration benefits on humanitarian grounds, the rule exempts the following categories of foreign-born individuals from public charge determinations: individuals serving in the Armed Forces or Ready Reserve and their children and spouses,[[21]](#footnote-21) individuals receiving benefits under the Disabilities Education Act,[[22]](#footnote-22) certain individuals receiving school-based benefits,[[23]](#footnote-23) children and adoptees of U.S. Citizens who would be eligible for derived citizenship,[[24]](#footnote-24) any individual under the age of 21,[[25]](#footnote-25) and pregnant women including a period of 60 days after the pregnancy;[[26]](#footnote-26)
4. The totality of circumstances test applied when making a public charge determination will account for a foreign-born individual’s role as primary caregiver of another member of the household and subsequent inability to show an income that meets the threshold.[[27]](#footnote-27) The rule also considers an individual’s private health insurance, so long as the individual does not receive tax credits (“subsidies”) under the Affordable Care Act;[[28]](#footnote-28)
5. DHS will only offer public charge bonds of unlimited duration, and the minimum bond was lowered in the final rule to $8,100 from a proposed $10,000 minimum.[[29]](#footnote-29)

# Estimated Impact on New Yorkers

While final estimations of the rule’s impact on New Yorkers are still being assessed, this rule will unequivocally effect a significant population. Department of Homeland Security data shows that 1.1 million individuals obtained legal permanent resident status in 2017.[[30]](#footnote-30) Of these individuals, about 550,000 were living within the U.S. and about 580,000 entered the U.S. as a new arrival.[[31]](#footnote-31) Of those who originally entered the U.S. without legal permanent resident status, 94 percent have at least one characteristic that could potentially weigh negatively in a public charge determination.[[32]](#footnote-32)

Under the provisions included in the NPRM, MOIA identified three groups of New York City residents who would be affected by the proposed rule. Aforementioned changes to the provisions that were ultimately published in the final rule may alter the size of the groups described in (1) and (2), detailed below:

1. The approximately 75,000 foreign-born individuals currently eligible for benefits detailed in the proposed rule who will need to choose between remaining enrolled and facing adverse immigration consequences;
2. The approximately 400,000 foreign-born individuals not currently eligible for benefits detailed in the proposed rule, who will nevertheless face adverse immigration consequences due to their (1) age; (2) health; (3) family status; (4) assets, resources, financial status; (5) education and skills; and,
3. The hundreds of thousands of New Yorkers, currently eligible for benefits detailed in the proposed rule and not subject to a public charge determination, who will dis-enroll from critical benefits out of fear.

*Chilling Effect in New York City*

Before the final rule regarding inadmissibility on public charge grounds was published, evidence of a chilling effect among immigrant New Yorkers was already well-documented. At the November 15, 2018 hearing of the Committees on Immigration, General Welfare, and Health, over 40 advocates representing community-based organizations operating in New York City discussed the various fearful and frantic questions related to public charge they were fielding from their constituencies.[[33]](#footnote-33) Worse yet, organizations were already documenting drops in enrollment for public benefits, regardless of the fact that the rule was not yet finalized and that not all public benefits were included in the NPRM.[[34]](#footnote-34) The Legal Aid Society reported fielding panicked calls from clients regarding whether they should apply for benefits, or even discontinue benefits for which they or their children are eligible.[[35]](#footnote-35) Even before the proposed rule was introduced, their clients, including those who are exempt from public charge consideration, had expressed fear of accessing benefits that they are eligible for and in some cases that they need desperately to address health concerns, food shortages, and housing emergencies.[[36]](#footnote-36) Many community-based organizations that work within immigrant communities and are trusted resources for immigrant communities shared examples of the immense fear among their service populations. The Arab-American Family Support Center stated that in light of ongoing threats to public charge and fear of deportation, they have seen their community members give up needed social services, jeopardizing the safety of themselves and their children, even in situations when they may not be directly impacted.[[37]](#footnote-37) The Chinese-American Planning Council, Inc. (CPC) witnessed seniors coming into their community centers since February, when the rumors of the public charge rule started, asking to withdraw from their SNAP benefits because they were worried it would hurt their adjustment of status application or their children’s, despite it being a critical support.[[38]](#footnote-38) They have also had community members decline to enroll their children in high quality early childhood education centers, even with subsidies, and community members who have removed themselves from waiting lists for public housing, despite already waiting on lists for years.[[39]](#footnote-39) Additionally, the CPC noted that annual enrollment in health insurance was lower than usual, and they have fielded questions from community members asking if medication usage will affect their green card applications.[[40]](#footnote-40) The Chinese Progressive Association (CPA) has stated that some LPR students in their citizenship classes expressed fear at applying for citizenship at this time even though they are eligible because they are receiving public benefits.[[41]](#footnote-41) These individuals planned to dis-enroll from their public benefits and then apply for citizenship at a later time.[[42]](#footnote-42)

In June 2019, the New York City Department of Social Services (DSS), in partnership with MOIA, published a fact sheet on SNAP Enrollment Trends in New York City.[[43]](#footnote-43) The data shows that non-citizen immigrants eligible for SNAP benefits have either disenrolled or failed to enroll, at a higher rate when compared to U.S. citizen SNAP recipients.[[44]](#footnote-44) This change in SNAP caseload for non-citizens began in 2016, but accelerated since 2017[[45]](#footnote-45) (when the first draft of a public charge proposal was leaked to the public[[46]](#footnote-46)). City SNAP enrollment data paired with reports from surveyed community-based organizations and constituent calls to the New Americans hotline related to the issue of public charge seem to indicate a plausible connection between fear of inadmissibility on public charge grounds and avoidance of SNAP benefits.[[47]](#footnote-47) There is no reason to believe that the SNAP caseload of non-citizens will not continue to drop, especially following the publication of the final rule.

# **Legislative Analysis**

**Proposed Int. No.\_\_\_\_\_-A (Council Member Menchaca)**: ALocal Lawin relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds

Proposed Int. No. \_\_\_\_\_\_-A (Council Member Menchaca) would require the Mayor’s Office of Immigrant Affairs to conduct training on the federal regulations relating to inadmissibility on public charge grounds. The training would include information on the public benefits programs and individuals covered by the federal regulations, and information on how to refer individuals to immigration legal services to address issues related to the federal regulations. The training would be made available to appropriate employees in the Department of Social Services/Human Resources Administration, the Department of Homeless Services, the Department of Housing Preservation and Development, and the New York City Housing Authority. The bill was amended to clarify that such training would be provided for all employees whose primary responsibilities involve interacting with the public in a client service role in relation to public benefits.

The bill would require that the Mayor’s Office of Immigrant Affairs submit a report to the Speaker of the City Council no later than October 15, 2019. Such report would include information on the trainings undertaken by the listed agencies, such as the number of employees trained, the agency for which these employees work, and the date(s) such training took place. This bill would take effect immediately after it became law, and would be deemed repealed two years after it became law.

**Pre-considered Int. No.\_\_\_\_\_ (Council Member Moya)**: A Local Law in relation to requiring the distribution of information on local emergency feeding programs

Pre-considered Int. No. \_\_\_\_\_\_\_ (Council Member Moya) would add a new section 21-143 to the Administrative Code. This bill would require the Department of Social Services (DSS) to distribute information by mail or email regarding all city-funded emergency feeding programs to all individuals who received Supplemental Nutrition Assistance Program (SNAP) benefits with cases that closed on or after January 1, 2016. Information about city-funded emergency feeding programs would also be distributed to individuals currently receiving SNAP benefits at the time the individual receives a SNAP benefit recertification notice. This information would also be required to be made readily accessible through DSS’s online portal and any related mobile applications. This local law would take effect on October 15, 2019.

**Pre-considered Int. No.\_\_\_\_\_ (Council Member Rivera)**: A Local Law in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds

Pre-considered Int. No. \_\_\_\_\_\_\_ (Council Member Rivera) would require the Mayor’s Office of Immigrant Affairs (MOIA) to create educational materials on the federal regulations relating to inadmissibility on public charge grounds. These materials would include information on the federal regulations and instructions on how to access immigration legal services to address issues related to the federal regulations. MOIA would be required to make these materials available to the Department of Education (DOE) for distribution to every school within its jurisdiction. DOE would be required to distribute these materials in hard copy and electronically (if distribution of similar documents occurs electronically) and ensure that the written materials are available in a central office in each school in a manner accessible for students and parents. This bill would take effect immediately after it became law, and would be deemed repealed two years after it became law.

**Proposed Int. No.\_\_\_\_\_-A (Council Member Cabrera)**: A Local Law in relation to requiring the department of social services/human resources administration to provide legal assistance providers information

Proposed Int. No. \_\_\_\_\_\_-A (Council Member Cabrera), as amended, would require the Department of Social Services/Human Resources Administration (DSS/HRA), in consultation with the Mayor’s Office of Immigrant Affairs (MOIA) to develop and provide materials to legal services organizations with which it contracts to inform individuals about the federal regulations relating to inadmissibility on public charge grounds. The bill was also amended to require the Mayor’s Office of Immigrant Affairs to provide a dedicated telephone number for referrals to legal service providers for assistance with questions related to the federal regulations on public charge. This phone number would be provided by DSS to clients who have questions regarding the federal regulations. This bill would take effect immediately after it became law and would be deemed repealed two years after it became law.

**Pre-considered Res. No.\_\_\_\_\_ (Council Member Levin and the Public Advocate, Mr. Jumaane Williams)**: A Resolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds”

Pre-considered Res. No. \_\_\_\_ (Council Member Levin and the Public Advocate, Mr. Jumaane Williams) calls on the United States Congress to take legislative action in order to stop the enactment of the federal rule, “Inadmissibility on Public Charge Grounds.” Effective on October 15, 2019, the final rule would greatly expand the reach of the existing public charge determination in several critical ways, including expanding the definition of public benefits and putting additional weight on the five factor test already administered to determine if an individual is likely in the future to become a public charge. The rule will force foreign-born individuals, eligible for public benefits, to choose between receiving life-saving and sustaining public benefits and risking adverse immigration consequences. The rule will have devastating consequences on immigrant New Yorkers, including U.S. citizens, and will negatively impact the health and economic well-being of New York City.

Proposed Int. No. -A

By Council Member Menchaca

A LOCAL LAW

In relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds

Be it enacted by the Council as follows:

Section 1. The office of immigrant affairs shall conduct training on the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register. At a minimum, such training shall include: (i) information on the public benefits programs and individuals covered by such federal regulations; and (ii) information on how to refer individuals to immigration legal services to address issues related to such federal regulations. Such training shall be made available to appropriate employees of the following agencies, as determined by such agencies: the department of social services/human resources administration, the department of homeless services, and the department of housing preservation and development. Such departments, in consultation with the office of immigrant affairs, shall ensure that all employees whose primary responsibilities include interacting with members of the public in a client service role in connection with a public benefits program receive training based on the training provided by the office of immigrant affairs. In addition, the office of immigrant affairs shall make such training available to the New York city housing authority.

§2. No later than October 15, 2019, the office of immigrant affairs shall submit to the speaker of the council a report on such office’s actions taken pursuant to section 1 of this local law, including the number of employees trained, the agency for which they worked, and the date or dates when such training or trainings were conducted.

§ 3. This local law takes effect immediately after it becomes law, and is deemed repealed 2 years after it becomes law.

HKA

LS #9053

9/4/19 4:33PM

Preconsidered Int. No.

By Council Member Moya

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the distribution of information on local emergency feeding programs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-143 to read as follows:

§ 21-143 Information on local emergency feeding programs. The department shall distribute by mail or email information regarding all city-funded emergency feeding programs as defined in section 21-131 to all individuals who have received supplemental nutrition assistance program benefits whose case closed on or after January 1, 2016. The department shall also distribute such information to individuals currently in receipt of such benefits at the time such an individual receives a recertification notice for such benefits. Such information shall also be made readily accessible through such department’s online portal and any related mobile applications.

§ 2. This local law takes effect October 15, 2019.

HKA

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8/23/19 11:52 AM

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Preconsidered Int. No.

By Council Member Rivera

A LOCAL LAW

In relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds

Be it enacted by the Council as follows:

Section 1. The office of immigrant affairs shall create educational materials regarding the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register. At a minimum, such materials shall include: (i) a description of such regulations; and (ii) instructions on how to access immigration legal services to address issues related to such regulations. Such office shall make such materials available to the department of education for distribution to every school within its jurisdiction. Such department shall distribute such materials, in hard copy and electronically if distribution of other similar documents occurs electronically, and ensure that such written materials are available in the main or central office in each school in a manner accessible for students and parents.

§ 2. This local law takes effect on the effective date of the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register and is deemed repealed 2 years after it becomes law.

HKA

LS #11664

8/23/19 11:53 AM

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Proposed Int. No. -A

By Council Member Cabrera

A LOCAL LAW

In relation to requiring the department of social services/human resources administration to provide legal assistance providers information

Be it enacted by the Council as follows:

Section 1. a. The department of social services/human resources administration shall, in consultation with the office of immigrant affairs, develop and provide materials to legal services organizations with which it contracts to inform individuals about public benefits in relation to the federal regulations relating to inadmissibility on public charge grounds as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register.

b. The mayor’s office of immigrant affairs shall, in consultation with the department of social services, provide a dedicated telephone number for referrals to legal services providers for assistance with questions regarding the federal regulations described in this section, and monitor to ensure callers will not encounter unreasonably long waiting periods. The department of social services shall provide such telephone number to clients with questions regarding such federal regulations.

§ 2. This local law takes effect immediately, and is deemed repealed 2 years after it becomes law.

HKA

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9/3/19 5:44 PM

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Preconsidered Res. No.

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds”

By Council Member Levin and the Public Advocate (Jumaane Williams)

Whereas, Immigration agencies rely on a public charge determination to identify whether an individual is, or is likely to become, primarily dependent on the United States (U.S.) government for subsistence; and

Whereas, The public charge determination is made when an individual files for admission to the U.S. and for adjustment of status to become a lawful permanent resident; and

Whereas, If DHS determines that an individual was likely at any time to become a public charge, the individual could be considered inadmissible, and therefore ineligible for admission or adjustment of status; and

Whereas, Prior to August 2019, public charge determinations were narrowly based on the reliance on or use of Temporary Assistance for Needy Families (TANF), Supplemental Security Income, or institutionalization for long-term care; and

Whereas, On October 10, 2018, DHS issued a Notice of Proposed Rulemaking (NPRM) titled “Inadmissibility on Public Charge Grounds” to propose expansion of the public charge grounds for inadmissibility; and

Whereas, The NPRM was published in the Federal Register for a 60-day comment period and subsequently received over 266,000 public comments for agency consideration; and

Whereas, On August 14, 2019, DHS published the final rule entitled “Inadmissibility on Public Charge Grounds” that codifies regulations governing the application of the public charge inadmissibility ground under INA section 212(a)(4), following review of comments received; and

Whereas, Effective on October 15, 2019, the final rule would greatly expand the reach of the existing public charge determination in several critical ways; and

Whereas, The final rule extends a public charge determination to individuals using, or likely to use at any point in the future, non-Emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and housing assistance through public housing and Section 8 housing assistance; and

Whereas, Use of public benefits for 12 months in the aggregate within a 36-month timeframe would be a qualifying factor for inadmissibility on public charge grounds; and

Whereas, The final rule would more heavily weigh five factors in making the public charge determination, specifically assessing an individual’s (1) age, (2) health, (3) family status, (4) assets, resources, financial status, and (5) education and skills; and

Whereas, The final rule will force foreign-born individuals to choose between life-sustaining public benefits critical to themselves and their families and possible adverse immigration consequences; and

Whereas, The final rule could harm as many as 475,000 New York City residents; and

Whereas, Up to 75,000 immigrant New Yorkers could need to decide whether to access benefits for which they are legally eligible or face possibly adverse immigration consequences; and

Whereas, Further, up to 400,000 immigrant New Yorkers could face adverse immigration consequences due to increased scrutiny of the five factors; and

Whereas, Immigrants in New York pay an estimated $8 billion in City and State personal income taxes and approximately $2 billion in City property taxes ever year; and

Whereas, In a 2019 Report, the Mayor’s Office of Immigrant Affairs found that immigrant New Yorkers contributed an estimated $228 billion to the City’s Gross Domestic Product (GDP), or about 26 percent of the City’s total GDP; and

Whereas, A 2018 Migration Policy Institute Report indicates that noncash benefits make up the bulk of  benefits accessed by immigrant families, and this rule will have far-reaching chilling effects, leading to a broad withdrawal from public-benefits programs; and

Whereas, The rule could have a detrimental effect on New York City’s economy as well as our national economy; and

Whereas, If just 20 percent of noncitizen New Yorkers currently receiving benefits withdraw from participation, the City could lose annual disbursements of $235 million in SNAP, Cash Assistance and Supplemental Security Income and the State supplement (SSI/SSP) funding, and an additional loss of $185 million in related economic activity; and

Whereas, Reducing program participation in benefits programs that are commonly viewed as work supports will likely result in higher poverty levels; and

Whereas, Efforts to prevent families from accessing benefits related to healthcare will result in an increase in severe and chronic health issues; and

Whereas, Confusion and fear about the rule could lead hundreds of thousands of immigrant New Yorkers, including U.S. citizens, to drop out of benefit programs or choose not to use them, which will significantly impact access to health and social services for children and families in New York City; and

Whereas, The United States Congress could and should pass legislation to overrule this agency determination; therefore, be it,

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds.”

LS11980 / 11992

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8.21.19

1. Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2018*, (Mar. 15, 2019), <https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf> [↑](#footnote-ref-1)
2. New York City, Department of City Planning. (2013). The Newest New Yorkers: Characteristics of the City’s Foreign-born Population. Accessed at: <https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf> [↑](#footnote-ref-2)
3. Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2018*, (Mar. 15, 2019), <https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf> [↑](#footnote-ref-3)
4. Id. [↑](#footnote-ref-4)
5. Id. [↑](#footnote-ref-5)
6. Id. [↑](#footnote-ref-6)
7. Id. [↑](#footnote-ref-7)
8. New York City, Office of Comptroller Scott M. Stringer. (2017). Our Immigrant Population Helps Power NYC Economy. Accessed at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Our-Immigrant-Population-Helps-Power-NYC-Economy.pdf> [↑](#footnote-ref-8)
9. U.S. Small Business Administration, Office of Advocacy. (2012). Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital. Accessed at: <https://www.sba.gov/sites/default/files/rs396tot.pdf> [↑](#footnote-ref-9)
10. New York City, Office of Comptroller Scott M. Stringer. (2017). Our Immigrant Population Helps Power NYC Economy. Accessed at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Our-Immigrant-Population-Helps-Power-NYC-Economy.pdf> [↑](#footnote-ref-10)
11. U.S. Citizenship and Immigration Services. (2019). Inadmissibility on Public Charge Grounds. Accessed at: <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>. [↑](#footnote-ref-11)
12. Id. [↑](#footnote-ref-12)
13. Id. [↑](#footnote-ref-13)
14. Id. [↑](#footnote-ref-14)
15. Id. [↑](#footnote-ref-15)
16. Public charge has always required a totality of circumstances balancing test, among five criteria: (1) age; (2) health; (3) family status; (4) assets, resources, financial status; (5) education and skills. [↑](#footnote-ref-16)
17. U.S. Citizenship and Immigration Services. (2019). Inadmissibility on Public Charge Grounds. Accessed at: <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>. [↑](#footnote-ref-17)
18. U.S. Citizenship and Immigration Services. (2018). Notice of Proposed Rulemaking: Inadmissibility on Public Charge Grounds. *Federal Register*. Accessed at: <https://www.govinfo.gov/content/pkg/FR-2018-10-10/pdf/2018-21106.pdf>. [↑](#footnote-ref-18)
19. Id. [↑](#footnote-ref-19)
20. Id. [↑](#footnote-ref-20)
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