



Legislation Text

File #: Res 1047-2019, **Version:** *

Preconsidered Res. No. 1047

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 Members Levin, the Public Advocate (Mr. Williams), Kallos, Lander, Chin, Barron, Ayala and Rivera

Whereas, Prior to August 2019, immigration agencies relied on a public charge determination to identify whether an individual was, or was likely to become, primarily dependent on the United States (U.S.) government for subsistence; and

Whereas, At the time, public charge determinations were 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, The public charge determination was made when an individual filed for admission to the U.S. and for adjustment of status to become a lawful permanent resident; and

Whereas, If DHS determined 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, On October 10, 2018, DHS issued a Notice of Proposed Rulemaking (NPRM) titled “Inadmissibility on Public Charge Grounds,” which 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 will 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 will be a qualifying factor for inadmissibility on public charge grounds; and

Whereas, The final rule will 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 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; 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.”

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