



Legislation Text

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Introductory*

City of Baltimore Council Bill R (Resolution)

Introduced by: President Scott

A Resolution Entitled

A Council Resolution concerning **Opposing the Changes to the “Public Charge” Rule**

For the purpose of standing in solidarity with Baltimore’s immigrant communities in opposition to the changes made by the Trump Administration to the “public charge” rule.

Recitals

On February 24, 2020, the Trump Administration’s changes to the “public charge” rule took effect. The changes to the rule seek to block non-citizens from receiving a green card or certain types of visas if the government decides the non-citizen is likely to rely on federal support in the future. In the past, a “public charge” has been defined as someone who is “primarily dependent on the government for subsistence.” Whether an individual has met the definition has depended on whether the individual either used public cash assistance for income maintenance or was institutionalized for long-term care at government expense. These kinds of assistance include SSI, Temporary Assistance for Needy Families (“TANF”), state and local cash assistance, medicaid, or other programs supporting long term care such as nursing homes. This definition of “public charge” prevented few immigrants from receiving a green card or visa in the past because Congress has barred most immigrants from using assistance like TANF and because most green card applicants are required to have a sponsor who can demonstrate financial resources that will prevent future dependency on the government.

The Trump Administration has changed the definition of “public charge” - now a person can be denied a green card or visa if they are “more likely than not” to use certain public benefits at any point in the future, rather than if they will be “primarily dependent on the government for subsistence.” The Trump Administration has broadened the types of assistance that immigrants would be refused a green card or visa for using - the Administration has added Supplemental Nutrition Assistance Program (“SNAP” or “food stamps”), Section 8 housing and rental assistance, federal housing subsidies, and non-emergency Medicaid benefits (excepting non-emergency Medicaid benefits used by people under 21, people with disabilities, pregnant individuals, and individuals who have given birth within 60 days) to the list of disqualifying programs. Individuals who received one or more of the above benefits for more than 12 months within a 36-month period under this new policy will be disqualified from receiving a green card or visa. Receipt of more than one of these types of aide within a month counts as two months.

The City Council urges immigrants to check carefully with providers if any type of aid they receive might disqualify them from receiving a green card or visa - it is likely the aid they receive does not disqualify them from receipt of a green card or visa. The new policy is having a chilling effect and causing some immigrants to disenroll from public benefits that they do not need to disenroll from - the City Council wants all immigrants to receive the aid to which they are entitled.

The revised “public charge” rule put into effect by the Trump Administration changes two more aspects of the previous rule. First, the revised rule greatly expands the number of specific factors immigration officers must take into account before determining whether an individual will use any public benefits in the future. These factors include age, health, family size, skills, and financial status, with specific factors like credit history and private insurance scrutinized. Second, for the first time applicants must show that they, rather than a sponsor, have household income of at least 125% of the Federal Poverty Guidelines. These two major changes to the rule in effect criminalize poverty by making it much more difficult for individuals with low incomes to obtain residency or citizenship.

The City Council recognizes that this is the Trump Administration’s attempt to restrict legal immigration in this country by side-stepping Congress and creating harsh requirements for immigrants who are on the path toward citizenship. The City Council stands in solidarity with Baltimore’s immigrant communities in opposition to the changes in the “public charge” policy.

Now, therefore, be it resolved by the City Council of Baltimore, That the Baltimore City Council stands in solidarity with Baltimore’s immigrant communities in opposition to the changes made by the Trump Administration to the “public charge” rule.

And be it further resolved, That a copy of this Resolution be sent to the President of the United States, the Mayor, the Baltimore City Delegation to the 2020 Maryland General Assembly, and the Mayor’s Legislative Liaison to the City Council.