DOWNLOAD PDF FIELD HEARING ON PUBLIC BENEFITS, EMPLOYMENT, AND IMMIGRATION REFORM

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The agency inteded to complete the proposed rule making process by March Pending the rule making process, however, the Senate has taken up this issue in a different context. Accordingly, there are some policy differences underlying the two proposals. This should not stop the USCIS from completing the proposal with some amendments and implementing the policy. The rule making process has been extended with no end in sight. We encourage the USCIS leadership to complete and implement this administrative fix as soon as possible. With only a few legislative days remaining before the July 4th recess, there is no way the Senate could take up each of these amendments and timely take care of the bills as scheduled. It thus appears that there must be active compromise machine running behind the scene and most of these amendments may pass in the form of unanimous consent at the end of the day. The Senate floor will take care of only less than five amendment bills today, but as time passes, a large number of the amendment bills may be taken care of each day. He had to carry out two difficult and conflicting missions to enforce deportation at record numbers on the one hand and to save undocumented immigrants with no criminal record on the other under the Obama Administration policy of immigration reform. Because of the latter policy, he had to face challenges from his own subordinates in and out of courts. We wish him well. Harry Reid received unanimous consent that the Senate will proceed with debate on amendments to S. Lastly, all amendments are subject to a 60 yea vote threshold for adoption. All of the previous amendments are subject to a 60 yea vote threshold for adoption! The researcher of the report resigned from The Heritage Foundation relating to this defective report. The CBO report is expected to project its impact rather positively for the next 10 years, which will help the CIR advocates. Stay tuned to this website for the CBO report. OFLC states that minor changes were made to clarify information needed for more efficient application processing. A fillable copy of the form is available here. In the meantime, there are all the good news about potential passage of this bill in the Senate, Sen. Lindsey Graham joining Sen. Schumer predicting passage of this bill with 70 votes, Sen. Robert Mernendez who one time predicted there were not yet 60 votes now predicting passage of this bill at least with 60 votes or more at this time, Sen. Marco Rubio assessing the situation that the Senate bill is almost perfect at this point. There is also an alarming news confirming that should the GOP fail to pass this bill, the GOP would lose in the national presidential election. These news should add pressure on the House Republican leaders to start working on the comprehensive immigration reform legislation. It is anticipated that the notice will be published in the federal register in the near future. For the details, please stay tuned. Here is the advance copy of the notice. One is that the first semi-annual report is usually due in March but this year the report was issued in May and since they do not anticipate a big change in forecast for three-month time span between May and August , they have decided not to issue the second semi-annual report in August. Secondly and more importantly, they reported that their on going work on the report of the budgetary and economic impact of CIR is so demanding in work forces and other resources that time and resources do not allow them to issue regular report in August. There have been similar reports which have been released lately, but the CBO report will way outweight over other reports. Department of State has traditionally been using a large number of visas before the fiscal year is over not to waste any immigrant visa numbers for that fiscal year. Use of the last minute potential unused numbers include family-based as well as employment-based visa quota numbers. On top of this prediction which was released in the July Visa Bulletin, there are a lot of reports from the Indian EB applicants that after a long period of pause, they all of sudden started to receive RFEs for their pending EB applications and other contacts from the USCIS, indicating that the Service Centers have initiated a process to adjudicate the pending EB applications with certain cut-off dates for EB-2 Indians. Unconfirmed reports

indicate that the new cut-off date for India EB-2 could be August Where do they get these large numbers? Apparently, there are unused numbers from the family-based immigration system as well as unused employment-based numbers from other countries. We will keep our readers posted of the information from the conference site. Progress of EB-2 visa numbers will also allow those EB-2 Indians to file EB applications, who have their approved I but could not file EB applications because of the visa number regression. Come mid-July, they may get a good news and may have to be busy to prepare and file EB applications beginning from August 1, We wish the best for our EB-2 Indian visitors. The first two bills which they will take up include border security and employment enforcement bill plus agricultural guest worker bill. There are other committees in the House that have also been working on piecemeal immigration bills. Yesterday, the following bills have been referred to such committees in the House: Referred to Immigration Subcommittee. This is E-3 visa proposal for South Koreans. This bill was referred to the Immigration Subcommittee yesterday. Bill to provide for the eligibility of the Hong Kong Special Administrative Region for designation for participation in the Visa Waiver Program for certain visitors to the United States. Similar to these proposals are included in the Senate CIR bill, as amended. However, the Senate debates and proceedings were focused only on six amendments , , , , , and none of them could pass or were voted out. The Senate floor was contrasted to the Senate Judiciary Committee Markup Sessions which were less contentious and bi-partisan, more or less. The Senate floor will indeed be "extremely" hot for the next two weeks after the Senate returns with this bill next Monday. This reporter will attend this conference and be tied up with conference sessions, even though this reporter will keep monitoring the CIR legislation process whenever he finds a time to do that. The leaders of the government stakeholder agencies, including the USCIS Director, Chief of Foreign Labor Certification, Chief of Visa Bureau, and other important policy makers will participate in the annual conference updating where they are in management, practice, and policies. It is hoped that the conference does not waste time with the CIR as most of the members are up-to-date with the news in the Hill. We hope to see the conference to focus more on stakeholder agency issues including their direction for the next one year rather than legislation. House Yet to Find a Direction for Immigration Reform Pushed by the House Speaker for the committees to wrap up any piecemeal immigration bills, the House Judiciary Committee is reportedly scheduled to take up three something bills beginning from next week with a target to complete them before July 4th as mandated by the Speaker. Third option can be to pick up the Senate bill when it is passed and sent to them by the Senate. The House has only a limited time to pass immigration reform bill before August which is the deadline set by the House Speaker. Problem appears to be there is no consensus as to a firm House plan and direction, when the Senate is moving and hopping all around to pass its CIR bill with a target date before the 4th of July.

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Chapter 2 : Durbin to hold immigration hearing - POLITICO

Field hearing on public benefits, employment, and immigration reform: hearing before the Committee on Economic and Educational Opportunities, House of Representatives, One Hundred Fourth Congress, second session, hearing held in San Diego, CA, February 22,

Employer payrolls increased only by , jobs, following a gain of , last month and average increases of , per month in the three prior months. In that debate, one area of disagreement has been the impact of immigration on the U. In fact, because of the weak labor market immigration flows have changed dramatically since the start of the Great Recessionâ€"the undocumented population has declined Passel and Cohn ; DHS , and the number of high-skilled H-1B visas being issued was down by over 25 percent in from a peak US State Department. As the economy continues to recover, however, it is likely that demand for immigrant labor by American businesses and the desire of immigrants to work in the United States will continue to rise. The Impact of Immigrants on Employment and Earnings Although many are concerned that immigrants compete against Americans for jobs, the most recent economic evidence suggests that, on average, immigrant workers increase the opportunities and incomes of Americans. Based on a survey of the academic literature, economists do not tend to find that immigrants cause any sizeable decrease in wages and employment of U. One reason for this effect is that immigrants and U. For example, low-skilled immigrant laborers allow U. Another way in which immigrants help U. Because of these factors, economists have found that immigrants slightly raise the average wages of all U. As illustrated by the right-most set of bars in the chart below, estimates from opposite ends of the academic literature arrive at this same conclusion, and point to small but positive wage gains of between 0. But while immigration improves living standards on average, the economic literature is divided about whether immigration reduces wages for certain groups of workers. In particular, some estimates suggest that immigration has reduced the wages of low-skilled workers and college graduates. This research, shown by the blue bars in the chart above, implies that the influx of immigrant workers from to reduced the wages of low-skilled workers by 4. However, other estimates that examine immigration within a different economic framework the red bars in the chart find that immigration raises the wages of all U. As a result, the system is plagued by problems, ranging from its cumbersome and costly application systems, to its inefficient ability to meet the needs of American families and an ever-changing economy. One measure of the inefficiency is the thousands of dollars in legal fees that many visa applicants must spend. The first step of his proposal is to introduce a market-based auction system to allocate existing temporary employment visas. Rather than waiting in line to bring a worker into the country as an employer would do in the current system, employers would bid on a permit to sponsor that worker in an auction. Revenues from the auctions could be used to run the system and to compensate the state and local governments that have the largest fiscal burdens from immigration. The discussion paper, which will be released on May 15, details the other steps and reforms. This month, the Hamilton Project updates its jobs blog analysis with a new interactive feature that allows readers to calculate how long the jobs gap will take to close under different rates of job creation. This interactive feature is available by clicking here. As of April, our nation faces a jobs gap of The solid line shows the net number of jobs lost since the Great Recession began. The broken lines track how long it will take to close the jobs gap under alternative assumptions about the rate of job creation going forward. If the economy adds about , jobs per month, which was the average monthly rate for the best year of job creation in the s, then it will take until March â€"or eight yearsâ€"to close the jobs gap. Given a more optimistic rate of , jobs per month, which was the average monthly rate for the best year of job creation in the s, the economy will reach pre-recession employment levels by June â€"not for another four years. To see how long the jobs gap will take to close at other rates of job creation, click here. Conclusion In the aftermath of the Great Recession, the economic recovery has been slow and many American workers remain unemployed. Amidst concerns about how immigrants affect the labor market and economic activity, immigration remains a hotly debated

issue by policymakers, but it is necessary to ground the debate in facts. For more information or to register for the event, click here.

Chapter 3 : CCWRO - Welfare Rights

In deciding whether an immigrant is likely to become a public charge, immigration or consular officials review the "totality of the circumstances," including an immigrant's health, age, income, education and skills, employment, family circumstances, and, most importantly, the affidavits of support.

Budget Lawmakers in 23 states enacted 37 laws: These laws typically appropriate funds for refugee services, migrant health, naturalization services, education and English as a Second Language programs, or law enforcement. This law states that loans, guarantees, investment management agreements and contracts that are entered into by the board of trustees must not involve investments in Sudan or Iran or otherwise provide support to terrorists or in any way facilitate illegal immigration into the United States. The department shall award a contract under this section to a qualified nonprofit which can demonstrate its ability to work with this population. This law requires compliance with federal law related to immigrant eligibility and verification 8 U. Section , and This law also allows for a restricted receipt account for emergency immigration education assistance. Education Lawmakers in nine states enacted 15 laws: One additional bill was vetoed. These laws usually pertain to immigration and residency requirements for access, in-state tuition or financial assistance at educational institutions. Some laws address enhanced learning for refugees or English learners. This postsecondary education law includes amendments relating to qualifications for resident in-state tuition. Out-of-state fees are waived for students, including but not limited to, unauthorized immigrants who have attended a secondary school for three years before graduating from a Florida high school, applied for higher education enrollment within two years of graduation, and submitted an official Florida high school transcript as evidence of attendance and graduation. A dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. The law prohibits denial of classification as a resident for tuition purposes based on immigration status and allows certain people to be classified as state residents based on marriage or military service. This law allows school districts to provide approved high school programs to students who are refugees or legal aliens, until the student graduates or until the end of the school year in which the student reaches the age of Minnesota will commend bilingual and multilingual students with seals upon successful testing at level three of the Foreign Service Institute language proficiency tests and provide varying resources to encourage development of foreign-language skills. Finally, this law mandates that school-related documents and forms be translated into various languages in order to provide greater access and understanding for parents who do not speak English. This law stipulates that no funds shall be expended at public institutions of higher education that offer a tuition rate to an unlawfully present covered student that is less than the tuition rate charged to citizens or nationals of the United States whose residence is not in Missouri. This law states that a student will be classified as a state resident and charged in-state tuition if the student is a citizen of the United States, has resided in Tennessee for at least one year immediately prior to admission and has graduated from a Tennessee public secondary school, graduated from a private secondary school that is located in this state or earned a Tennessee high school equivalency diploma. Employment Fourteen states enacted 22 laws: These laws address eligibility for unemployment insurance, workers compensation, work authorization and E-Verify, and employer retaliation. This law amends provisions that prohibit an employer or person from engaging in unfair immigration-related practices against a person for the purpose of retaliation, including threatening to file or the filing of a false report or complaint with any state or federal agency. It requires a penalty to be awarded to an employee who engages in protected conduct and is retaliated against. The program offers part-time employment for qualified resident entrepreneur following a period of study for a masters or doctorate degree in the sciences, technological fields, engineering, mathematics, accounting, finance, economics, business or business administration in order to obtain practical experience in the field of study. The program is required to provide annual reports to the legislature. This law creates a special Senate task force to study the evaluation and certification of

foreign-trained professionals. The task force shall report its findings and recommendations to the Senate on or before March 4, This law extends the program start date to July 21, under the Utah Immigration Accountability and Enforcement Act, and dates for the Utah Pilot Sponsored Resident Immigrant Program Act under which a resident immigrant may reside, work, and study in Utah. The program may not permit a resident immigrant to travel outside of the state except under certain circumstances. Health Eight states enacted 14 laws: Two additional bills were vetoed. This law establishes an Office of Health Equity that works to eliminate disproportionately adverse health outcomes in population groups known to have adverse health status or outcomes. Such population groups may be based on race, ethnicity, age, gender, socioeconomic position, immigrant status, sexual minority status, language, disability, homelessness, mental illness or geographic area of residence. This law establishes a commission to study mental health implementation in New Hampshire, and includes the director of the New Hampshire Office of Minority Health and Refugee Affairs as a member of the commission. This law enables Modified Adjusted Gross Income-eligible aliens lawfully present in the United States with household incomes at or below percent of the federal poverty line to receive coverage for basic health care services if such alien would be ineligible for medical assistance due to his or her immigration status. The study will include estimates of individuals eligible to enroll in the basic health program, including legal resident aliens who are barred participation in the medical assistance program for five years. Human Trafficking Nine states enacted 11 laws: These laws provide benefits and protections to victims of human trafficking and address penalties for traffickers. Example DE S This law enables victims of human trafficking or minors engaged in commercial sexual activity to receive state services regardless of immigration status, requires police department or other appropriate agency to fill out and provide said individual with ICE Form IB or Form IB upon request, and defines identification documents to include immigration documents or documents issued by a foreign government. This law, relating to public health and safety and sexual exploitation, makes it illegal to abuse or threaten to abuse the legal process against another person by causing arrest or deportation for violation of federal immigration law, and knowingly destroying, concealing, removing, confiscating, or possessing any passport, immigration document or other government identification documents of the other person. Example PA S This law clarifies and reenacts provisions of human trafficking law, including providing resources about obtaining or maintaining legal immigration status, certifying cooperation and enabling victims to obtain a special immigrant visa and access federal benefits. One additional law was vetoed. If the period of authorized stay is indefinite, the department may issue a one year license that can be renewed for up to five years without charging renewal fees. This law eliminates border crossing identification cards and voter cards issued by the government of Mexico as acceptable forms of age verification when purchasing liquor. The bill would prohibit, except as specified, any entity within the department from denying licensure to an applicant based on his or her citizenship status or immigration status. This law requires applicants for gun permits to be citizens or lawfully admitted to the United States. Noncitizens must provide an affidavit concerning his or her immigration status and show US government-issued identification. Law Enforcement Lawmakers in 17 states enacted 27 laws: These laws typically pertain to the enforcement of immigration laws, but also include regulations pertaining to those working as notary publics and immigration consultants. This law classifies knowingly accepting the identity of another person and using it to verify their work eligibility as aggravated taking identity of another person or entity, a class 3 felony. This law requires that every offense punishable by imprisonment in a county jail up to or not exceeding one year be punishable by imprisonment not to exceed days. This law states that upon certification by the Florida Board of Bar Examiners an applicant who is an unauthorized immigrant who was brought to the United States as a minor, has been present in the United States for more than 10 years, has received documented employment authorization from the United States Citizenship and Immigration Services USCIS , has been issued a social security number, if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U. This law permits out-of-state attorneys who are licensed in another state or foreign country to appear before hearing officers, administrative law

judges and other adjudicator bodies of departments, enables foreign attorneys to represent taxpayers in proceedings before a tax tribunal. This law requires the law enforcement training board to adopt rules for minimum standards for a course of study on cultural sensitivity training, including the U non-immigrant visa, and an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities. This law amends the unauthorized practice of law to include prohibiting notaries public from falsely representing themselves as attorneys in advertisements and requiring an explicit disclosure that they are unable to give legal advice or accept fees for consultation regarding immigration matters. This law increases fines imposed upon those who violate laws regarding immigrant assistance services such as misrepresentation as an attorney, requires certain immigrant assistance service providers to be registered with the department of state, provides definition and classification of immigrant assistance service fraud, provides for contract cancellation, requires informational statements that the U. This law establishes that in order to be commissioned as a notary, applicants must read and write English and be registered voters. Notaries are prohibited from giving advice on legal matters, including immigration counseling, and must display signs in English and any other languages they advertise in to inform clients they are unable to provide legal services. Miscellaneous Three states enacted three laws: California, Florida and Utah. This category typically includes immigration-related issues that do not fit in other categories and are addressed infrequently, memberships on task forces and commissions, abandoned property and studies. This law includes a provision requiring utilities to notify single-family tenants 10 days prior to termination of service with notices written in English, Spanish, Chinese, Tagalog, Vietnamese and Korean. This law repeals section 63G of the Utah Code, collaboration on integration of immigrants. The collaboration urged the Utah Commission on Immigration and Migration to work with federal, state, and local governments to facilitate integration of immigrants in the state. Public Benefits Ten states enacted 13 laws: These laws address social service programs that affect all people covered by the programsâ€”immigrants and non-immigrants alikeâ€”and laws that ensure benefits are granted only to eligible immigrants. This law repeals the provisions of Proposition , which made illegal aliens ineligible for specified public social services, public health care services and public school education at the elementary, secondary, and post-secondary levels. This law allows relevant parties to petition the probate court to release details to the USCIS for designation of the minor child as having special immigrant juvenile status under 8 USC a 27 J if the court appoints a guardian, removes a parent, etc. This law enables the state registrar to file a new birth certificate for those non-citizen-at-birth adopted persons possessing an IR-3 immigrant visa or higher For non-citizens without a visa, the registrar may file a certificate with the annotation "Certificate of Foreign Birth. This law provides that the Department of Workforce Services may make rules to provide for the administration of refugee services beyond the time period funded by the federal government, including provisions for English language training, addressing emergency needs and services for victims of domestic violence. Resolutions Twenty one States adopted resolutions: Resolutions typically commend citizens, immigrants, and immigrant-serving organizations for their contributions, recognize the cultural heritage of immigrants in a state, and urge Congress or the President of the United States to take certain actions. This resolution commends the Alabama Center for Foreign Investment for its focus on creating good jobs for Alabama workers. The center was initially created to participate in the EB-5 immigrant investor visa job-creation program, but discharged its duties and obligations in accordance with the EB-5 program and focuses on projects in growth industries and rural areas of Alabama to create jobs. This resolution relating to child migrants declares that all Californians, as residents of the United States, have a civic responsibility to respect the human dignity of immigrants seeking refuge in the United States and to ensure that those immigrants are afforded due process and equal protection under the laws of the United States, including safe passage to medical care, as well as access to a mode of communication to facilitate their repatriation back to Central America when doing so is consistent with their rights and does not endanger their lives and safety. This resolution urges the President to take executive action to suspend deportations of unauthorized individuals with no serious criminal history. This resolution encourages

Congress to consider the five principles embraced by the Partnership for a New American Economy as it works to develop comprehensive immigration reforms. This resolution urges Congress to grow the United States economy by increasing the number of visas designed to permit Korean citizens possessing skills in a specialty occupation to work in the United States. This resolution encourages the Illinois congressional delegation, as well as all members of Congress, to support H. This resolution recommends the enactment of comprehensive immigration reform. This resolution requests that the chancellor for health sciences at the University of New Mexico convene a task force made up of experts in health care professions to study the possibilities for creating community health specialist positions in the state. These positions may be filled by individuals residing in New Mexico who have professional health care credentials from another jurisdiction, such as a foreign country, but do not have licensure or other authorization to apply their health care skills in the state, also that the task force present its recommendations to the legislative health and human services committee by Nov. Voting Three states enacted three laws: Illinois, New Hampshire and Virginia. These laws clarify voter registration requirements and valid documents to prove U. This law states that no person shall be denied the right to register to vote or to cast a ballot in an election based on race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation or income. This law requires voters to affirm their citizenship and provide their date and court of naturalization if applicable on a written affidavit if they cannot provide appropriate identification on Election Day. This law amends the Code of Virginia to require the State Board of Elections to delete from its record of registered voters the names of voters who are known not to be U. Citizenship and Immigration Services of the U. Department of Homeland Security for the purposes of verifying that voters in the voter registration system are U.

Chapter 4 : Did Senate pass immigration bills in , and House failed to vote on them? | PunditFact

The Federation for American Immigration Reform (FAIR) is looking for a well-organized, self-driven and highly motivated intern interested in the immigration issue and its impact on jobs, wages, public costs, and national security.

Continue to article content This summer, as anger over the separation of migrant families at the border boiled over, and the abolition of Immigration and Customs Enforcement became a rallying cry for left-leaning Democrats, a number of less scrutinized, more arcane reforms were quietly working their way into the most foundational laws governing U. Another was a new memo that allows visa officers to deny applications without first requesting more evidence or notifying an applicant. Citizenship and Immigration Services, an agency that not only facilitates legal immigration, but historically celebrates it. These changes have generated blowback from immigrant advocates, businesses and even some of his own employees. But the policy revisions could reshape legal immigration flows in the coming years, as visa applications that might have passed muster a few years ago are rejected. And the changes made at USCIS, which have pushed visa officers toward the law enforcement space, will continue unless a new director reverses course. In interviews with 20 current and former coworkers, classmates and friends, he comes across as a puzzle: At the same time, acquaintances describe him as a thoughtful policy expert with a passion for cultures and language. Cissna worked at law firms in his late 20s and early 30s, after which his career trajectory ran through the State Department and the Department of Homeland Security. There, Cissna became an expert on immigration policy before moving into more political terrain working with the Senate Judiciary Committee. He has, according to most who know him, never been animated by apparent anti-immigrant sentiment. Tyler Moran, managing director of the pro-migrant D. Despite his effort to downplay the significance of the new mission statement, it presaged a stream of policy changes at USCIS throughout the spring and summer that have made it more difficult for immigrants to enter the U. The denaturalization task force, which aims to strip immigrants of their citizenship in cases where it was obtained fraudulently, was perhaps the most extreme to immigration advocates. Cissna framed it in law enforcement terms. Also in June, the agency issued guidance that expanded the circumstances in which USCIS officers can initiate deportation proceedings. Out-of-status immigrants could now face deportation for trying to legalize. For instance, an immigrant might have legal status when he or she applies for a visa, but might have slipped out of status by the time the application is processedâ€”and could be deported for such a processing delay. The nonpartisan Migration Policy Institute told Politico Magazine the new policy could lead to a sharp increase in the number of people placed into deportation proceedings each year, with the possibility the agency could issue up to , notices in a year. Another major shift could lead to swifter processing of applications, or at least swifter denials, by removing second chances for some applicants. The second chances were part of an Obama-era policy. But other workers who cherished the spirit of welcoming immigrants have been demoralized by the changes, a pain felt with particular acuteness within the refugee and asylum directorate. Secretary of State Mike Pompeo announced on Monday that the administration would accept no more than 30, refugees in the coming fiscal year, the lowest level since the start of the resettlement program in That comes after Trump slashed the refugee cap to 45, in fiscal year , a stark drop from , admissions proposed by Obama in Cissna soon will roll out what could be the most controversial regulation to come out of his agency under Trump. A core provision of the regulation could block an immigrant from obtaining a green card if the person or a family member receives a wide range of public benefits, according to leaked drafts of the measure. The proposed regulation, which is expected before the midterm elections, would effectively gentrify the legal immigration system, blocking poorer immigrants from obtaining green cards or even from entering the country in the first place. The chilling effect has taken root already. Health service providers claim more immigrants have turned down government aid for infant baby formula and food for children out of a fear it could create a black mark on a green card application. The man at the center of this quiet overhaul is Cissna, who, by most accounts, never wanted to be seen as a

Spanish-speaking analog to Stephen Miller. People who know Cissna view him as a policy wonk and dutiful civil servant, not someone philosophically opposed to immigration. Most of the friends and associates I spoke with portray him as non-ideological and pro-immigrant, even as he has helped craft the most radical anti-immigration agenda since the s. One former DHS colleague who similarly did not have employer permission to speak to a reporter said Cissna cared deeply about security and the integrity of the immigration systemâ€”even if it meant shutting out sympathetic cases. Some of his most outspoken critics emerged this summer in the aftermath of the family separation policy. Cissna, who was born in Silver Spring, Md. The filmmaker, who has three young children, felt compelled to speak out when he heard stories of families separated at the border. Meguerian, whose own family fled to the U. For most of his career, he has cultivated the image of a technocrat rather than an ideologue. At a mid-August event hosted by the Center for Immigration Studies, a group that promotes lower levels of immigration, Cissna appeared onstage with a hefty propâ€”a copy of the Immigration and Nationality Act, replete with yellow sticky notes marking certain sections. Cissna developed his encyclopedic knowledge of immigration law over decades working as a civil servant and private attorney. He worked at several law firms in the mid- to late s, then joined the State Department as a consular officer in He took a temporary assignment in Port au Prince, Haiti, but soon moved to Sweden, where he became chief of the Stockholm division that dealt with temporary visas. For Cissna, the September 11 terror attacks were a defining moment in his career. How on Earth, Cissna wondered, had the hijackers made it through the system? Cissna left the State Department in he cited personal reasons and joined a Richmond, Va. While still a DHS employeeâ€”essentially on loan to the Judiciary Committeeâ€”he moved into overtly political territory for the first time in his career. The percentage of immigrant visas processed for extended family members fell to 9 percent in , down from 22 percent in the previous year, according to an analysis by the Migration Policy Institute. And new USCIS policies that affect visa processing for foreign workers have also been apparently significant enough to bring on the ire of businesses. Cissna sees no conflict in shaping policies that could have kept his own family out of the United States if they had been implemented several decades ago. And when I explain that, I think people understand it. The memo offered several choices, including the option to refer all suspected border crossers for federal prosecution. DHS adopted the policy, which pushed family separations into overdrive and caused a national uproar. Akayed Ullah, the suspect in the case, was a lawful permanent resident from Bangladesh who came to the U. This article tagged under:

Chapter 5 : The Oh Law Firm

If Congress can set political bickering aside and pass this reform, certainly the U.S. economy would benefit, its citizens would be better off, and the country's immigration system would finally be ready to meet the needs of the 21st century.

Please read day Supporting Statement for the details. Form GA is now used only for deferred action requests for certain enlistees and designated family members of certain military personnel, veterans, and enlistees. Stakeholders may review and comment on the revised policy guidance through Nov. Mails and Potential Impact on U. Mail Services There is no official annoucement from the U. Postal Services, but it is obvious that the USPS stations may pay more attention to the package mails due to the ongoing bomb threat mails in the country. This may or may not affect immigration stakeholders filing mails delivery time one way or another. Accordingly, those mailing last minute filings should pay additional attention to their processing time of immigration cases. There is no information about its impacts on private delivery services, but this is the time when immigration cases are filed sufficiently ahead of the deadlines such that they do not experience nightmares. Applications that do not have these required data fields completed will be deemed incomplete, and employers will not be permitted to submit the application until corrected. The iCERT system will continue to issue system warnings on missing data fields and list any mandatory or conditionally mandatory fields which must be completed prior to submission at the final checks page. OFLC is undergoing some changes with the temporary and permanent labor certification application programs. Invest immigration stakeholders may learn update about this program and prospects ahead. It is interesting that the USCIS has been made himself available for various immigration stakeholder conferences but for some key immigration law stakeholder entities, including American Immigration Lawyers Association. Cissna for expanding his interactions with immigration stakeholder entities and offering opportunities through such immigration stakeholders meetings to peek through his policy direction ahead and focus of the USCIS initiatives in various areas of immigration issues. Earlier proposal was to achieve efficient and effective management of selection "process" and had no other purposes. However, the new proposed rule by current USCIS adds additional purpose for registration requirement for H-1B annual cap selection process. The new proposal may include a modified selection process, as outlined in section 5 b of Executive Order , Buy American and Hire American. Depending on the medium which such rule will adopt, there can develop a conflict between the OPT community and foreign workers in non-OPT community and in foreign countries. For instance, there was a lawsuit not too long ago which were brought by foreign workers in the United States, mostly OPTs, who challenged the current H-1B cap rule that selected the candidates only from the foreign workers who submitted the cap petitions only during the specific cap seasons. The lawsuit eventually failed, but had the petitioner won in the lawsuit, OPTs who applied during the last year H-1B cap season and failed should be able to be selected this year ahead of others who applied during this cap season, because they submitted last year but failed to be selected. Should such "priority date" concept be adopted in the H-1B cap selection system, as readers may be able to easily understand it, the OPTs could be able to take most of the cap numbers this year and next several years since they will be able to keep staying and working in this country until the next H-1B cap selection seasons, while other workers, particularly those in foreign countries, would not be able to use such priority date system since the sponsoring employers would not necessarily offer such H-1B employment to them during the next cap seasons. Sooner or later, we will find out what medium the new proposed rule will propose to achieve the goal. As part of these policy focuses, he has explained somewhat in details his late restrictive immigration policy changes. Readers should review this statement to learn where and why he has been heading in immigration policy changes. No further details have been provided, but considering the fact that one of the USCIS rule-making agenda for November included the final rule for EB-5 Modernization Program, the teleconference may be related to the rule-making feed-backs. Accordingly, the immigration stakeholders involved in EB-5 immigrant investment program may not miss this teleconference.

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To register for this session, please follow the steps below: The final rule amended DHS regulations by extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants who are seeking employment-based lawful permanent resident status. In order to improve U. Such initiatives will include a proposed rule that would establish an electronic registration program for H-1B petitions subject to annual numerical limitations and would improve the H-1B numerical limitation allocation process Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Aliens Subject to Numerical Limitations ; and a proposed rule that would revise the definition of specialty occupation to increase focus on truly obtaining the best and brightest foreign nationals via the H-1B program and would revise the definition of employment and employer-employee relationship to help better protect U. USCIS will propose regulations guiding the inadmissibility determination whether an alien is likely at any time to become a public charge under section a 4 of the Immigration and Nationality Act. Inadmissibility on Public Charge Grounds. Additionally, USCIS will propose to update its biometrics regulations to eliminate multiple references to specific biometric types, and to allow for the expansion of the types of biometrics required to establish and verify an identity. The goal of this proposal will be to establish consistent identity enrollment and verification policies and processes, and to provide clear proposals on how biometrics will be used in the immigration process. Employment Creation Immigrant Regulations. USCIS will amend its regulations modernizing the employment-based, fifth preference EB-5 immigrant investor category based on current economic realities and to reflect statutory changes made to the program. USCIS will also propose to update its regulations for the EB-5 Immigrant Investor Regional Center Program to better reflect realities for regional centers and EB-5 immigrant investors, to increase predictability and transparency in the adjudication process, to improve operational efficiency, and to enhance program integrity. Lastly, USCIS will publish an advanced notice of proposed rulemaking to solicit public input on proposals that would increase monitoring and oversight of EB-5 projects, and encourage investment in rural areas. USCIS will propose regulations aimed at deterring the fraudulent filing of asylum applications for the purpose of obtaining Employment Authorization Documents. Employment Authorization Documents for Asylum Applicants. USCIS will also propose to amend its regulations to streamline credible fear screening determinations in response to the Southwest Border crises. Credible Fear Reform Regulation. Adjustment of Status Process Improvements. USCIS will propose to update regulatory provisions to improve the efficiency in the processing of adjustment of status applications, to reduce processing times, to improve data quality provided to partner agencies, to reduce the potential for visa retrogression, to promote efficient usage of available immigrant visas, and to discourage fraudulent and frivolous filings. Improvements to the Medical Certification for Disability Exceptions. Electronic Processing of Immigration Benefit Requests. USCIS will propose to amend its regulations to mandate electronic submission for all immigration benefit requests, explain the requirements associated with electronic processing, and allow end-to-end digital processing. This proposal would enhance efficiency and efficacy in USCIS operations, and improve the experience for those applying for immigration benefits. Petitioners should receive receipt notices by Oct. If your two-year green card has expired and you have not received a receipt notice, you may schedule an appointment online for you and any eligible dependents to be seen at your local field office. If possible, bring evidence that you sent your Form I via the U. Postal Service or a delivery service, such as FedEx. Pre-registration requirement for H-1B annual cap lottery has been delayed for quite a while, but the current Administration probably intends to implement this H-1B cap lottery program beginning from FY H-1B lottery. For the details, please click here. Ths list includes the followings: It appears that USCIS is targeting at changing FY H-1B cap filing system to two-tier filing system of initially submitting pre-registration of H-1B cap petition filing online and the follow-up filing of H-1B cap selected petitions in papers inclouding all the supporting documentation. DHS will propose to revise the definition of specialty occupation to increase focus on obtaining the best and the brightest foreign nationals via the H-1B program, and revise the definition of employment and employer-employee relationship to better protect U. In addition, DHS will propose additional requirements designed to ensure employers pay appropriate wages to H-1B visa

holders. The purpose of these changes is to ensure that H-1B visas are awarded only to individuals who will be working in a job which meets the statutory definition of specialty occupation. In addition, these changes are intended to ensure that the H-1B program supplements the U. The key appears to be to change definition of specialty occupation and to add additional requirements for H-1B qualification. Obviously, it is intended to narrow down qualified foreign workers. Change to minimum education level and change to wage level have been brought up in the past in various proposed H-1B reform legislative proposals. It is good know that despite skyrocking inflation rate, the agency may not raise the filing fees at least until after Spring Trump Administration has been pushing hard to convert the current government proceedings, including immigration proceedings, from current paper applications to online proceeding and we anticipate that by , immigration proceedings will be converted to the online filing and processing systems. One of the changes which are planned is to eliminate currently available concurrent I and EB filing. It is nice that they do not schedule this rule-making process until the end of FY Since it is a "proposed" rule, it will take quite a time to complete the rule-making process and the earliest they may achieve this change will be either Spring of or later. They want to start wrapping up this rule-making process beginning from the end of this year! Investment immigrants may soon have to invest "increased" amount of investment to apply for investor immigrant green card track. The proposed rule which they will have to wrap up included: Such proposed changes included:

Chapter 6 : Catalog Record: Field hearing on public benefits, employment, | Hathi Trust Digital Library

Instead of voting on the Senate bill, House Republican leaders held a series of summer "field hearings" to get the public to weigh in on controversial provisions in the Senate bill, which.

However, the federal welfare and immigration laws introduced an unprecedented new era of restrictionism. As a result, the participation of immigrants in public benefits programs decreased sharply after passage of the laws, causing severe hardship for many low-income families who lacked the support available to other low-income families. Many states have attempted to fill some of the gaps in noncitizen coverage resulting from the laws, either by electing federal options to cover more eligible noncitizens or by spending state funds to cover at least some of the immigrants who are ineligible for federally funded services. Many state-funded programs, however, have been reduced or eliminated in state budget battles. Some of these cuts have been challenged in court. In , Congress established a new category of noncitizensâ€" survivors of traffickingâ€"who are eligible for federal public benefits to the same extent as refugees, regardless of whether they have a qualified immigrant status. Federal public benefits include a variety of safety-net services paid for by federal funds. In , the U. Department of Health and Human Services HHS published a notice clarifying which of its programs fall under the definition. Any new programs must be designated as federal public benefits in order to trigger the associated eligibility restrictions and, until they are designated as such, should remain open to broader groups of immigrants. The HHS notice clarifies that not every benefit or service provided within these programs is a federal public benefit. The welfare law also attempted to force states to pass additional laws, after August 22, , if they choose to provide state public benefits to certain immigrants. Such micromanagement of state affairs by the federal government is potentially unconstitutional under the Tenth Amendment. Exceptions to the Restrictions The law includes important exceptions for certain types of services. School breakfast and lunch programs remain open to all children regardless of immigration status, and every state has opted to provide access to the Special Supplemental Nutrition Program for Women, Infants and Children WIC. Short-term noncash emergency disaster assistance remains available without regard to immigration status. Also exempted from the restrictions are other in-kind services necessary to protect life or safety, as long as no individual or household income qualification is required. Verification Rules When a federal agency designates a program as a federal public benefit foreclosed to not-qualified immigrants, the law requires the state or local agency to verify the immigration and citizenship status of all program applicants. However, many federal agencies have not specified which of their programs provide federal public benefits. Until they do so, state and local agencies that administer the programs are not obligated to verify the immigration status of people who apply for them. Eligibility for Major Federal Benefit Programs Congress restricted eligibility even for many qualified immigrants by arbitrarily distinguishing between those who entered the U. The law barred most immigrants who entered the U. In addition, children who receive federal foster care are exempt from the five-year bar for Medicaid. Several states or counties provide health coverage to children or pregnant women, regardless of their immigration status. CHIP was reauthorized in April for an additional two years without any changes to immigrant coverage. The District of Columbia and New York provide prenatal care to women regardless of immigration status, using state or local funds. Qualified immigrant seniors who were born before August 22, , may be eligible if they were lawfully residing in the U. Other qualified immigrant adults, however, must wait until they have been in qualified status for five years before they can secure critical nutrition assistance. Five statesâ€"California, Connecticut, Maine, Minnesota, and Washingtonâ€"continue to provide state-funded nutrition assistance to some or all of the immigrants who were rendered ineligible for the federal SNAP program. Supplemental Security Income SSI Congress imposed its harshest restrictions on immigrant seniors and immigrants with disabilities who seek assistance under the SSI program. The main rationale for the seven-year time limit was that it was intended to provide a sufficient opportunity for humanitarian immigrant seniors and those with disabilities to naturalize and retain their

eligibility for SSI as U. However, a combination of factors, including immigration backlogs, processing delays, former statutory caps on the number of asylees who can adjust their status, language barriers, and other obstacles, made it impossible for many of these individuals to naturalize within seven years. Recognizing these barriers, in Congress enacted an extension of eligibility for refugees who faced a loss of benefits due to the seven-year time limit. However, that extension expired in Subsequent attempts to reauthorize this extension were unsuccessful, and the termination from SSI of thousands of seniors and people with disabilities continues. Five statesâ€"California, Hawaii, Illinois, Maine, and New Hampshireâ€"provide cash assistance to immigrant seniors and people with disabilities who were rendered ineligible for SSI; some others provide much smaller general assistance grants to these immigrants. The Impact of Sponsorship on Eligibility Under the welfare and immigration laws, family members and some employers eligible to file a petition to help a person immigrate must become financial sponsors of the immigrant by signing a contract with the government an affidavit of support. Under the enforceable affidavit Form I , the sponsor promises to support the immigrant and to repay certain benefits that the immigrant may use. Congress imposed additional eligibility restrictions on immigrants whose sponsors sign an enforceable affidavit of support. The laws imposed deeming rules in certain programs until the immigrant becomes a citizen or secures credit for 40 quarters approximately 10 years of work history in the U. Some programs apply additional exemptions from the sponsor-deeming rules. Department of Agriculture USDA has issued helpful guidance on the indigence exemption and other deeming and liability issues. The confusion stems from the complex interaction of the immigration and welfare laws, differences in eligibility criteria for various state and federal programs, and a lack of adequate training on the rules as clarified by federal agencies. Consequently, many eligible immigrants have assumed that they should not seek services, and eligibility workers have turned away eligible immigrants mistakenly. Fear of Being Considered a Public Charge The immigration laws allow officials to deny an application for lawful permanent residence or to deny an immigrant entry into the U. Confusion and fear about these rules, however, became widespread. In , the Immigration and Naturalization Service INS, whose functions were later assumed by the Department of Homeland Security issued helpful guidance and a proposed regulation on the public charge doctrine. The guidance clarifies that receipt of health care and other noncash benefits will not jeopardize the immigration status of recipients or their family members by putting them at risk of being considered a public charge. Nevertheless, sixteen years after this guidance was issued, widespread confusion and concern about the public charge rules remain, deterring many eligible immigrants from seeking critical services. Requirement of Affidavits of Support The laws enacted rules that make it more difficult to immigrate to the U. Effective December 19, , relatives and some employers who sponsor an immigrant have been required to meet strict income requirements and to sign a long-term contract, or affidavit of support USCIS Form I , promising to maintain the immigrant at percent of the federal poverty level and to repay any means-tested public benefits the immigrant may receive. Federal agencies have issued little guidance on sponsor liability, however. Regulations on the affidavits of support issued in make clear that states are not obligated to seek reimbursement from sponsors and that states cannot collect reimbursement for services used prior to issuance of public notification that the services are considered means-tested public benefits for which sponsors will be liable. Most states have not designated which programs would give rise to sponsor liability, and, for various reasons, agencies generally have not attempted to seek reimbursement from sponsors. However, the specter of making their sponsors liable financially has deterred eligible immigrants from applying for critical services. Language Policies Many immigrants face significant linguistic and cultural barriers to obtaining benefits. As of , approximately 21 percent of the U. Although 97 percent of long-term immigrants to the U. These limitedâ€"English proficient LEP residents cannot effectively apply for benefits or meaningfully communicate with a health care provider without language assistance. Title VI of the Civil Rights Act of prohibits recipients of federal funding from discriminating on the basis of national origin. Department of Justice DOJ , the department primarily responsible for implementing and enforcing immigration laws prior to the creation of DHS in , issued interim guidance for federal benefit providers to use in verifying immigration status. The

guidance, which remains in effect, directs benefit agencies already using the computerized Systematic Alien Verification for Entitlements SAVE program to continue to do so. However, important protections for immigrants subject to verification remain in place. In the federal programs that are required by law to use SAVE, applicants who declare that they have a satisfactory status and who provide documents within the reasonable opportunity period should remain eligible for assistance while verification of their status is pending. And information submitted to the SAVE system may not be used for civil immigration enforcement purposes. The guidance recommends that agencies make financial and other eligibility decisions before asking the applicant for information about his or her immigration status. Questions on Application Forms Federal agencies have worked to reduce the chilling effect of immigration statusâ€"related questions on benefits applications. The guidance confirms that only the immigration status of the applicant for benefits is relevant. It encourages states to allow family or household members who are not seeking benefits to be designated as nonapplicants early in the application process. SSNs are not required for people seeking only emergency Medicaid. In , the USDA issued a memo instructing states to apply these principles in their online application procedures. Reporting to the Dept. But this requirement is, in fact, quite narrow in scope. It applies only to three programs: In , federal agencies outlined the limited circumstances under which the reporting requirement is triggered. Only people who are actually seeking benefits not relatives or household members applying on their behalf are subject to the reporting requirement. Agencies are not required to report such applicants unless there has been a formal determination, subject to administrative review, on a claim for SSI, public housing, or TANF. Finally, the guidance stresses that agencies are not required to make immigration status determinations that are not necessary to confirm eligibility for benefits. Agencies are not required to submit reports to DHS unless they have knowledge that meets the above requirements. There is no federal reporting requirement in health programs. To address the concerns of eligible citizens and immigrants in mixedâ€"immigration status households, the DHS issued a memo in confirming that information submitted by applicants or family members seeking Medicaid, CHIP, or health care coverage under the Affordable Care Act would not be used for civil immigration enforcement purposes. Critics of the restrictions question, among other things, the fairness of excluding immigrants from programs that are supported by the taxes they pay. These debates rage on at the federal, state, and local levels.

Chapter 7 : Immigration Report

Comprehensive immigration reform increases all workers' wages. The real wages of less-skilled newly legalized workers would increase by roughly $4, per year, while higher-skilled workers would see their income increase $6, per year.

Once finalized, the rule would also affect how consular officers screen for public charge for both immigrant and nonimmigrant applicants, since the Department of State traditionally joins in USCIS interpretations of grounds of inadmissibility. The proposed rule creates a complicated metric system that calculates the monetary value of the specific public benefit to determine its negative effect, and distinguishes between those benefit programs that can and cannot be assigned such a value. But in keeping with tradition, the new public charge test would not assign negative weight to U. It remains to be seen, however, whether families currently receiving health care and supplemental nutritional programs will disenroll or forego future participation due to misinformation or undue caution. The following is a summary of some of the more important changes in the proposed rule and how CLINIC plans to respond. According to the proposed rule, an applicant would be considered a public charge if he or she has received one or more of the public benefits listed below. The proposed rule expands on the list of cash benefit programs and identifies several non-cash programs that would also be considered. But it exempts receipt of public benefits by members of the U. It also would not consider Medicaid benefits received by foreign-born children of citizen parents who will be deriving citizenship under the Child Citizenship Act. Receipt of Non-Cash Benefits The following non-cash benefit programs will be considered if received by the applicant starting 60 days after the rule is finalized: The proposed rule does not include receipt of the following benefit programs: But for those benefits that cannot be monetized easily Medicaid, the Medicare Part D Low Income Subsidy, and Public Housing the agency will look to see if the applicant received or is likely to receive such benefits for more than 12 months in the aggregate within a month period. Receipt of two non-monetizable benefits in one month counts as two months. To add to the complexity, the proposed rule also contains a third standard, under which an applicant would be inadmissible for public charge if he or she is likely to receive a monetizable benefit below the threshold, plus one or more non-monetizable benefits for longer than nine months. The applicant will likely be required to identify and document employment history, education and training, current and prior income, any offers of employment, health conditions that would affect employability, enrollment in health insurance, and assets or resources. The rule, if implemented as proposed, would make it much more difficult for those who have a spotty employment history, are low income or underemployed, retired, disabled, or suffering from a medical condition that affects their employability. Is of employable age, not a full-time student, authorized to work, but currently unemployed Has no employment history or reasonable prospect of future employment Is currently receiving or certified to receive one or more of the designated public benefits above the threshold Has received one or more of the designated public benefits above the threshold within the previous 36 months Has been diagnosed with a medical condition that is likely to require extensive medical treatment or institutionalization and the applicant is uninsured and has no prospect of obtaining private health insurance Has been diagnosed with a medical condition that will interfere with the ability to provide for himself or herself, attend school, or work and the applicant is uninsured and has no prospect of obtaining private health insurance Has previously been found inadmissible or deportable based on public charge. Is a healthy person of employable age with financial assets, resources, and support of at least percent of the Federal Poverty Guidelines, or Is authorized to work, is gainfully employed, and has an income of at least percent of poverty. Posting of Public Charge Bonds The statute has allowed for the posting of a public charge bond in situations where the applicant needs to assure the USCIS that he or she will not become a public charge. But during the last 20 years, the posting of such bonds has been extremely rare. The proposed rule details the procedure for the posting and canceling such bonds. The bond will be considered breached if the immigrant receives any of the cash SSI, TANF, or state general assistance or non-cash programs identified above. New Requirements for

Nonimmigrants Nonimmigrants applying for a change of status or an extension of stay will also be subject to the new public charge standard. As part of the application and adjudication process, they will need to prove that they are not receiving nor are likely to receive public benefits. Public Charge Ground of Deportability At the present time, lawful permanent residents are potentially subject to the public charge ground of deportability, but such instances are almost nonexistent for a variety of reasons. Nor would they be subject to any new scrutiny in their application for naturalization. But the Department of Justice intends to conduct future rulemaking on public charge deportability.

Chapter 8 : The Man Behind Trumpâ€™s â€˜Invisible Wallâ€™ - POLITICO Magazine

Hearing on "Comprehensive Immigration Reform in , Can We Do It and How?" Before the Committee on the Judiciary, Subcommittee on Immigration, Border Security and Citizenship, U.S. Senate, Washington, DC.

NILC news releases about new developments are available from our homepage, www. We have heard numerous reports of immigrant families being afraid to seek services that they or their U. In early January , the U. We also learned that U. We invite you to use it as a resource when you speak with immigrants and immigrant families. It is important to monitor how changes to public charge policy or rumors about such changes are affecting individuals, families, communities, and community-based organizations. What is public charge? Public charge is a ground of inadmissibility to the U. Under current policy, certain nonâ€"U. They may also consider whether a sponsor has signed an affidavit of support or contract promising to support the noncitizen. Any negative factor, such as not having a job, can be overcome by positive factors, such as having completed training for a new profession. FAM now allows consideration of noncash benefits. Almost 20 years ago, the government clarified that only monthly cash assistance for income support or institutionalization at government expense e. These instructions apply only to individuals who are seeking to enter the U. Deportation based on public charge? The grounds for deporting an immigrant based on public charge are extremely narrow. They apply only to immigrants who become a public charge during their first five years after admission to the U. Even if some of these rules change, LPRs could still show that their need for benefits was based on something that came up after they were admitted â€" for example, pregnancy, an accident, or a job loss. Under federal law, which cannot be changed by issuing a regulation or administrative guidance, the following categories of noncitizens are not subject to a public charge test: Noncitizens seeking to enter the U. This test considers many factors, including income, resources, age, family situation, and health. Individuals with health conditions, low incomes, or who are very young or old, for example, can present other positive factors to demonstrate that they are not likely to rely on the government in the future. This could include other sources of support, education, skills, a job offer, or family members with a steady income. In fact, in some cases the receipt of public benefits can help stabilize a family. Applicants can present evidence of all factors demonstrating that they are not likely to become a public charge in the future. People who are concerned about any risks of enrolling in public benefit programs can consider their own situation â€" including their immediate needs, whether they or their family members will be subject to the public charge determination, and whether they or a family member has any pathway to lawful permanent residence in the near or foreseeable future. For those who are not sure about their prospects for obtaining or adjusting to lawful immigration status in the future, it is a good idea to have available information about how to access free or low-cost immigration help, such as the online National Immigration Legal Services Directory, www. The rules governing public charge determinations in the U. The notice of proposed rulemaking has not been published in the Federal Register. Once it is published, there will be an opportunity for public comments, which the agency must respond to before finalizing any new regulations. The application for adjustment to lawful permanent residence in the U. Thus, there may be little or no advantage to disenrolling from program that the person really needs. The draft proposed rule makes it clear that any changes to the consideration of benefits use will apply only to benefits received after the rule is final. Even if the rules change, applicants will still be able to show why they are not likely to become a public charge in the future. In general, Medicaid, health insurance obtained under the Affordable Care Act ACA, or Obamacare , the Supplemental Nutrition Assistance Program SNAP, formerly food stamps , and other public programs may collect only the information necessary to determine eligibility for those programs. Applications for public benefits should not request information about the immigration status of nonapplicants in the household. And, with limited exceptions, benefit agencies may share information with other government agencies only for purposes of administering their programs. Changes to the public charge instructions in the U. In early January , the State Department revised the instructions in

the manual that officials in U. These changes apply only to individuals who seek to enter the U. In the past, a valid affidavit of support generally has been sufficient to overcome any negative factors. Under the new instructions, the affidavit of support is a positive factor â€" but is not enough on its own. State Department officials must also weigh the other factors in determining whether a person is likely to rely on the government in the future for cash assistance or long-term care. It is too early to know how the new rules will be implemented by each U. A more detailed summary of the changes to the FAM is available here. The December Unified Agenda indicates that the administration plans to release an NPRM implementing changes to the public charge guidance. We recently learned that U. The proposed rule is likely to alter the public charge policy by allowing government officials to consider a much broader array of critical services and work supports in the public charge determination. Reuters reported on a leaked draft of the proposed rule, and the draft was published by Vox on February 8, More information about the upcoming proposed rule is available in this fact sheet. The leaked draft of an unsigned executive order. Instead, it appears that some of the policies described in the leaked order are being implemented administratively, in the form of revised instructions or forms, or proposed regulations. NILC wants to know about people who may be avoiding needed services because of fears related to public charge or immigration enforcement. It will be helpful to document the impact of this fear on individuals, families, communities, clinics, food banks or other businesses, public health, and the local economy. When all residents have access to health care and other essential services, the entire community benefits. Family-based immigration is essential to the social and economic fabric of the nation. Ensuring that families, including citizens and immigrants, can remain together strengthens families as well as communities. Families provide the support that helps newcomers find work and start businesses, complete their education, provide care for children or aging family members, and ensure that the household can participate fully in the local economy. If a proposed rule is published, individuals and organizations can submit public comments and share stories about how the proposed rules would affect them and the communities or consumers that they serve. Subscribe here for updates from the Protecting Immigrant Families Campaign, [7] and stay tuned for more information. This document provides the information NILC has as of its publication date. Updated information will be available from our website, www. Citizenship and Immigration Services, released Apr.

Chapter 9 : Overview of Immigrant Eligibility for Federal Programs - National Immigration Law Center

In this month's employment analysis, we discuss the economic evidence on what immigration means for U.S. jobs and the economy in advance of The Hamilton Project's May 15th immigration forum in Washington, DC.