

July 9, 2018



The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

As New York State Senators, we write to ask for your assistance in advocating on behalf of New York State against the Trump Administration's proposal to expand the definition of 'public charge' in immigration proceedings. If enacted, this proposed rule would adversely affect millions of New York individuals and families receiving social service and other government benefits who are seeking resident status within the United States by either making them susceptible for deportation, hindering their prospects to attain a legal immigration status, or stripping them from services they desperately need.

Public charge is currently defined as an individual who is likely to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense. If an applicant is considered likely to become a public charge, regulation requires that the applicant be deemed inadmissible for a green card or permanent residence.

A draft proposal from the Trump Administration seeks to drastically expand the definition of 'public charge' in immigration proceedings and is currently being considered by the federal Office of Management and Budget. Currently, under federal regulations, only those individuals receiving public cash assistance or those likely to receive government-funded institutionalizations for long-term care are designated as a public charge. If the proposed rule is enacted, numerous additional public benefits and government programs would be added to the considerations for public charge determination.

This proposed rule would designate individuals as a "public charge" if they are eligible for a broader array of social service benefits, including SNAP/food stamp benefits, Women, Infants, and Children (WIC) benefits, Medicaid, Earned Income Tax Credits, housing vouchers, homeless services, after-school programs, free- and reduced-price lunch, and numerous other





programs. Even more troubling, the proposed rule would require taking into consideration whether an individual's family member is eligible for or enrolled in any of the aforementioned programs or services, meaning the children of immigrant New Yorkers, including U.S. citizens, could influence the determination of a public charge designation.

Currently 1.5 million children in New York State are U.S. citizens and have at least one immigrant parent. Of these, 704,000 are enrolled in either Medicaid or Child Health Plus. Under this proposed rule, all of these parents would have to choose between withdrawing their child from health insurance or increasing the potential for their application being rejected and their potential deportation. Such a shift in policy would not only tear families apart and deprive struggling children from accessing basic needs, but it would also have a devastating impact on New York's economy.

Immigrants contribute massively to the New York State economy. They contribute \$48.9 billion in taxes, own nearly 300,000 businesses, and employ nearly 500,000 New Yorkers. This proposed regulation would hinder individuals from fully contributing to our economic system and attaining self-sufficiency at a quicker rate by restricting their access to benefits. We should also take into consideration the economic impact that discouraging children and families from accessing services that they need will have on our overall economy. A child that does not have health insurance will end up at the emergency room instead of the doctor's office. A family that cannot claim Earned Income Tax Credit might be forced to skip a rent payment to pay other bills. The results of this proposed policy would have a significant impact on the economic health and social fabric of our State.

New York State has always embraced its immigrant roots and communities across our State and the state has flourished thanks to their social, civic, and economic contributions. We must support those immigrants who contribute to our society, are working to build a better future for themselves and their families, and are trying to navigate our complicated immigration process. We are respectfully requesting that you coordinate a meeting between the federal Office of Management and Budget, your office, and our offices to discuss our concerns regarding the devastating impact the implementation of this proposed rule will have in New York State and the communities we serve.





A key component of fighting back against the rule, if proposed, will be for as many New Yorkers as possible to submit public comments. To create impactful comments, it is critical that elected officials and the public have access to accurate data that document the impact of the prospective rule change. I am respectfully requesting that the state agencies that administer key affected state programs -- including Medicaid, Child Health Plus, the Supplemental Nutrition Assistance Program, and Temporary Assistance for Needy Families, among others -- provide enrollment data and any other indicators of the devastating impact this rule change would have on New Yorkers, to members of the State Legislature and to advocates preparing communities to submit public comment.

Thank you for your attention to this matter.

Respectfully,

Gustavo Rivera  
New York State Senator  
33<sup>rd</sup> District

Senator Brad Hoylman  
27<sup>th</sup> District

Senator Martin Malavé Dilan  
18<sup>th</sup> District

Senator Tony Avella  
11<sup>th</sup> District

Senator Liz Krueger  
28<sup>th</sup> District

**SENATOR  
GUSTAVO RIVERA**  
33<sup>RD</sup> DISTRICT

**NEW YORK  
STATE  
SENATE**

ALBANY, NEW YORK 12247



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10<sup>th</sup> District

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31<sup>st</sup> District

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