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## **THE ADMINISTRATION'S NEW RULE EXPANDING THE DEFINITION OF "PUBLIC CHARGE" WILL PUNISH SURVIVORS OF GENDER-BASED VIOLENCE**

The Administration will publish a new rule soon making it harder for immigrants to obtain legal permanent residence (i.e., a "Green card") if they have used a range of public benefits. By law, those deemed likely to become a "public charge" by the Department of Homeland Security (DHS) are prohibited from becoming a permanent resident. However, current policy only allows DHS to consider an applicant's dependence on cash assistance or government-funded long-term institutional care when making a "public charge" determination. The changes would allow DHS to consider the use of additional benefits in deciding whether to deny a Green card application. The additional benefits include food stamps, non-emergency Medicaid, certain prescription drug subsidies, and housing vouchers.

"The Tahirih Justice Center is deeply concerned about the impact that the proposed rule will have on survivors of domestic abuse, sexual assault, and related trauma," said Irena Sullivan, Senior Immigrant Policy Counsel.

The rule is already having a chilling effect on even those who remain exempted, by law, from the "public charge" bar to lawful permanent residence. For example, asylees as well as survivors applying for permanent residence through the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA) need not forego public benefits in order to remain eligible for a Green card. And, survivors will not be penalized under the rule for use of benefits by U.S. citizen children. Yet, without counsel or other assistance to inform them of these exemptions, survivors will inevitably assume that accessing benefits for themselves and/or their children will jeopardize their Green card application. This is particularly concerning where domestic violence is involved, because survivors and their children might be dependent on abusers for food and housing.

In addition, abusers notoriously manipulate and isolate survivors so that they suffer in silence, unaware of legal remedies designed specifically for them. As a result, survivors who are eligible might apply for permanent residence on other grounds, which do trigger the "public charge" bar. This sets them up for a cruel "choice" – either forego critical services or face deportation.

The proposal by the Administration will undoubtedly deter survivors from accessing basic health services including prenatal care through Medicaid. These services are essential to preventing both maternal and infant mortality. The rule will also result in more costly and inefficient emergency room visits. It is well-documented that survivors face dire threats to their health and safety both acutely and over the long-term. According to the World Health Organization, common medical issues for survivors include chronic pelvic, back, and abdominal pain, memory loss, difficulty walking, headaches, irritable bowel syndrome, depression, anxiety, sleep and eating disorders, and gastrointestinal disorders among others. No law or policy should categorically discourage survivors from accessing critical, life-saving services.

The Administration itself acknowledges in its cost-benefit analysis that the rule may increase poverty among certain families. "We strongly call upon the Administration to abandon these proposed changes to prevent further destabilization of immigrant families which include survivors of violence. We shouldn't punish survivors trying to get back on their feet, who are already traumatized and in need of a lifeline," said Sullivan.

### **About the Tahirih Justice Center**

The Tahirih Justice Center is the largest national direct service and policy advocacy organization focused on assisting immigrant women and girls fleeing violence. Tahirih will continue to monitor policy shifts that impact women and girls fleeing violence and advocate for the United States to honor its legal obligations to protect those fleeing human rights abuses.

*Tahirih Justice Center is a national non-profit that protects courageous immigrant women and girls who refuse to be victims of violence through free legal and social services, public policy advocacy, and training and education. Visit [www.tahirih.org](http://www.tahirih.org) for more information.*