

RESOLUTION NO. 523

DIRECTING THE CLERK OF THE ALBANY COUNTY LEGISLATURE TO SUBMIT AN OFFICIAL COMMENT TO THE DEPARTMENT OF HOMELAND SECURITY CONDEMNING THE PROPOSED RULE CHANGE TO THE DEFINITION OF PUBLIC CHARGE THAT TARGETS IMMIGRANT FAMILIES WHO RELY ON HEALTH CARE, NUTRITION, AND HOUSING ASSISTANCE PROGRAMS

Introduced: 11/13/18

By Messrs. Fein, Reinhardt, and Bullock:

WHEREAS, In another attempt by the federal government to create a hostile environment for immigrants, the Department of Homeland Security (DHS) has published a “Notice of Proposed Rulemaking” in which it has proposed a change in the definition of “public charge,” a formula the government uses to define the likelihood that an immigrant would be reliant on the government for their livelihood, which would thereby deem them inadmissible for entry to the United States or otherwise negatively impact any adjustment to their legal status, and

WHEREAS, Currently the immigration system considers only cash welfare assistance such as Temporary Assistance for Needy Families (TANF) or Social Security Income (SSI), and government funded long-term institutional care as the only benefits in determining whether someone is likely to become a “public charge,” and

WHEREAS, This proposed rule would upend the practice of supporting immigrant families as they seek to thrive in the United States by expanding the list of assistance programs to include certain health care, nutrition and housing programs, including Medicaid, Supplemental Nutrition Assistance Program (SNAP), Medicare Part D Low Income Subsidy, Federal Public Housing, Section 8 housing vouchers and Section 8 Project Based rental assistance, and

WHEREAS, This proposed rule change would adversely impact the health of communities by discouraging immigrants who are legally eligible for government help to ensure their families can thrive freely, and

WHEREAS, The change would allow DHS officials to deny certain green cards and temporary visas to those moving through the process of becoming legal permanent residents, and potentially later citizens, and could impact up more than 500,000 immigrants who are already in the United States on temporary visas and have children born here, and

WHEREAS, This rule change would drastically change our immigration system by giving preference to the wealthy by awarding extra weight to those with household incomes above 250% of the federal poverty line and adversely impacting those who earn less than 125% of federal poverty line, and

WHEREAS, We believe that all of our residents and their families have the right to thrive, including our immigrant neighbors, therefore be it

RESOLVED, By the Albany County Legislature that Albany County condemns this proposed rule change by DHS in the strongest of terms, and, be it further

RESOLVED, By the Albany County Legislature that the Clerk of the Albany County Legislature shall submit this resolution as the Official Comment of the Albany County Legislature to the Regulatory Coordination Division of the Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529-2140 or through the Federal Rulemaking Portal prior to December 10, 2018 to ensure that DHS considers the negative impact this will have on our community and residents, and, be it further

RESOLVED, That the Clerk of the County Legislature is further directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Law Committee – 11/13/18