

November 2, 2020

ATTORNEY GENERAL RAOUL CONDEMNS ATTACK ON HEALTH AND WELL-BEING OF IMMIGRANT FAMILIES

Chicago — Attorney General Kwame Raoul today joined a multistate coalition in condemning the federal government's new effort to restrict family-based immigration through a proposed regulation that directly threatens state health care systems and efforts to combat COVID-19.

Under the proposed rule by the U.S. Department of Homeland Security (DHS), U.S. citizens and green card holders will be denied public benefits – including Medicaid and the Supplemental Nutrition Assistance Program – in return for preserving their best opportunity to sponsor a family member for lawful permanent residency. The proposal is part of the federal government's ongoing effort to radically transform public charge law. [In the comment letter](#), Raoul and the coalition urge the federal government to immediately withdraw the rule and postpone consideration of any similar rules until after the resolution of the ongoing global pandemic and national public health emergency.

"Denying public benefits because an individual wants to sponsor an immigrant family member endangers the health and wellness of those families," Raoul said. "U.S. citizens and green card holders are entitled to the benefits that they pay into, and I will oppose efforts to deny access to those programs or to use them to stifle immigration."

On Oct. 2, DHS proposed a new regulation to drastically alter requirements for affidavits of support, which are contracts signed by a sponsor to show that their close family member applying for a green card is not likely to become dependent on the government. Among the changes sought, DHS has proposed a joint-sponsor requirement when sponsors or their household members have received a public benefit within the 36-month period prior to the execution of an affidavit of support. DHS is also seeking to disqualify individuals from serving as a joint sponsor if they have received such a benefit within the same time period.

The proposed rule precludes sponsors from pooling their income with the income of other relatives who reside with them and are willing to promise support for the intending immigrant if needed, except where the relative is the sponsor's own spouse. The proposal also needlessly subjects sponsors and their household members to burdensome documentation requirements that range from the submission of IRS-issued certified copies or transcripts of their federal income tax returns for three years, to credit scores and bank routing numbers.

Raoul and the coalition argue that the new requirements will significantly curtail family unity and, like the public charge rule, penalize low-income and working-class families for accessing public benefits for which they are eligible – all during an economic and public health crisis of historic proportions that has infected more than 9.1 million Americans and resulted in the deaths of more than 229,000 people across the country.

In the comment letter, Raoul and the coalition assert that the proposed rule will:

- Deter eligible U.S. citizens from receiving critical public benefits, endangering public health.
- Generate confusion with regard to immigration laws and increase administrative burdens on state and local governments.

- Weaken states' response to the pandemic by sowing distrust in government services and creating reluctance to seek needed health care – exacerbating the racially disparate impacts of the pandemic.
- Violate federal statutes, failing to pass muster under laws such as the Immigration and Nationality Act and the Administrative Procedure Act.

Joining Raoul in filing the comment letter are the attorneys general of California, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, and Wisconsin; the Cook County State's Attorney; Corporation Counsel of New York City; and County Counsel of the County of Santa Clara County.