

Alliance for Immigrant Survivors Public Charge Toolkit

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Introduction

On September 22, 2018, the U.S. Department of Homeland Security announced regulations that discard longstanding policy about the meaning and application of the “public charge” provisions of immigration law. The Alliance for Immigrant Survivors (AIS) is concerned how these dangerous changes will impact immigrant communities, particularly immigrant survivors of gender-based violence and their families, including children.

[Protecting Immigrant Families](#) (PIF) and supporting organizations are coordinating a campaign that has the infrastructure and capacity to respond to the rule change with collective force. Where possible, AIS will work with NTF to utilize the resources in the PIF [Advocacy Toolkit](#) – including a tool to provide public comments after the Notice of Proposed Rulemaking (NPRM) has been published – while modifying PIF messaging to center immigrant survivors and their families.

Topline Messages

Values: family, safety, safe/strong communities, wellbeing, health

Topline Messages (for broader messaging, see [PIF messaging](#), updated Sept. 22):

- Everyone in our communities should be able to live without fear of domestic violence and sexual assault.
 - Access to health care, housing, food assistance, and other supports play a pivotal role in helping victims escape and overcome domestic violence and sexual assault.
- This cruel rule would put many families in the untenable position of having to choose between using critical programs available to them or risk reuniting with their loved ones.
 - The proposal would undermine efforts by victims of domestic violence and sexual assault to secure essential services that enable them to escape from or overcome abuse.
 - Without sufficient resources, victims are either compelled back into an abusive relationship, or face destitution and homelessness.
 - The impacts on victims and their children have long term implications for the health and safety of our communities at large.

- While some immigrant survivors are exempted from the public charge rule, there are many survivors of domestic violence and sexual assault who seek immigration status under other categories who will be impacted.
 - Even U.S. born victims and victims that already have legal status may be concerned that using services to escape and recover from abuse will impact their immigrating family members.
 - All families need food, medical care, housing, and other basics to thrive and contribute to their communities and our country. This rule would jeopardize vital food, housing, medical, and other basic assistance for families, keeping victims trapped in harmful situations.
 - Due to concerns about the impact of public charge on them and their families, many immigrant victims are starting to avoid obtaining critical benefits such as food stamps and children's health insurance. We'll see the impact in long-term health consequences.
- We believe in an America that supports parents who seek the best for their children. When families thrive, so do our communities and our country.
 - But the Administration wants to punish parents for choosing to protect their families. By forcing survivors to choose between reuniting with their loved ones and using supports to help weather tough times, it would make the U.S. a sicker, hungrier, poorer nation.
 - We can't build stronger communities when our government purposely puts the health and well-being of immigrant families at risk, including immigrant survivors of gender-based violence.

Media Release



National Task Force to End
Sexual & Domestic Violence

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Public Charge regulation harms immigrant families and puts victims of sexual assault and domestic violence at risk

The Department of Homeland Security posted on its website Saturday what is likely to be a proposed rule putting immigrant families, including children, at risk if they use public programs to escape abuse and meet basic needs like food, housing, and health care. This cruel rule would put many families in the untenable position of having to choose between using critical programs available to them or risk reuniting with their loved ones. **The proposal would undermine efforts by victims of domestic violence and sexual assault to secure essential services that enable them to escape from or overcome abuse.**

The proposed rule radically changes the “public charge” provision by expanding the range of programs and supports that can be counted against an immigrant victim applying for a visa or green card, and setting up strict disqualification criteria that will harshly impact victims. Advocates are seeing the chilling effects of this policy as more and more immigrants and citizens alike, including victims and their families, are already foregoing critical services.

Many victims seeking certain forms of immigration status are exempt from public charge, including victims who are refugees and asylees or victims seeking status through the T (trafficking) or U (crime victim) visa process, status as abused or neglected children (SIJS), or status under the Violence Against Women Act (VAWA). However, victims and their family members who do not seek immigration status in those categories will be harmed as a consequence of an expanded public charge rule.

“This rule is yet another example of the Administration undermining critical immigration protections for victims of domestic violence and sexual assault,” said Grace Huang, Policy Director at the Asian Pacific Institute on Gender-Based Violence. “If the goal of

this inhumane proposal is to target immigrant families, sow fear in immigrant communities, and increase human suffering, then job done. **We strongly oppose any change to the public charge rule which makes it more difficult for survivors of domestic violence or sexual assault to access critical protections they need to escape or recover from abuse.**”

“This policy is about inflicting trauma and cruelty on children and families,” said Kiersten Stewart, Director of Public Policy for Futures Without Violence. **“We should be doing the exact opposite – helping families escape abuse and heal from trauma so they can survive and thrive”**

Not only does the public charge rule undermine federal and state policies to support victims by discouraging them from accessing critical services, the proposed rule exacerbates the harmful impacts of the abuse by keeping them trapped in abusive relationships, or undermining their ability to reunite with supportive family members if they leave the abuse. Particularly when minimum wage work places families well below the poverty level, safety-net benefits help survivors afford the basics, such as food, housing, and healthcare, and to rebuild their lives after violence. Access to services and economic supports help victims make the difficult decision whether and how they can afford to leave a dangerous situation, and in planning how to keep themselves and their children healthy, well, and housed. In addition, access to health and counseling resources are critical for the long-term recovery from the trauma that victims have experienced. **Without sufficient resources, victims are either compelled back into an abusive relationship, or face destitution and homelessness.** The impacts on victims and their children have long term implications for the health and safety of our communities at large.

The National Task Force to End Sexual & Domestic Violence (NTF) is joining hundreds of organizations around the country to comment on the impact of the rule and encouraging concerned members of the public to comment by mail or through the federal website at www.regulations.gov.

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