

San Francisco Immigrant Legal & Education Network (SFILEN) Public Statement on the Trump Administration's Expanded Public Charge Rule

January 30, 2020

On Monday, the US Supreme Court gave the Trump administration a preliminary green light to implement its expanded Public Charge rule while litigation against the policy continues. SFILEN strongly condemns this ruling. Trump's Public Charge rule scapegoats working immigrant families, severs traditional pathways to family reunification and green card holdership, and discriminates against poor and low-income immigrants of color.

The expanded rule will go into effect on February 24. There is still a fighting chance that the new policy could be stopped by the courts. **SFILEN highly encourages that people seek out trusted attorneys and community organizations before deciding to disenroll from any life-saving programs or public benefits.** Equal access to basic rights and legal protections must be available to all regardless of income or immigration status. Now more than ever, we must stand together against white supremacy, xenophobia, and classism.

Below you can find resources and statements from SFILEN partners:

Resources

Know your rights: **The rule change goes into effect on February 24th and primarily impacts those who are seeking to adjust status in the U.S.** If you would like to check how Public Charge might affect you, please utilize the following resources:

- Screening Web tool: KeepyourbenefitsCA.org / tusbeneficiospublicos.org
- Screening Text tool: 650-3768006 Text "benefits" (for English), "libre" (for Spanish), "福利" (Chinese) or "lợi ích" (Vietnamese)
- [One CA Public Charge provider list](#)
- [Know your right info sheets in Amharic, Arabic, Burmese, Chinese, French, Haitian Creole, Hindi, Korean, Spanish, Vietnamese](#)

SFILEN is made up of the following 12 organizations: African Advocacy Network, Arab Resource & Organizing Center, Asian Law Caucus, Central American Resource Center, Chinese for Affirmative Action, Filipino Community Center, La Raza Centro Legal, La Raza Community Resource Center, Mujeres Unidas y Activas, People Organizing to Demand Environmental & Economic Rights, Causa Justa:: Just Cause, and Dolores Street Community Services as the lead agency. We represent immigrants from African and Afro-Caribbean, Arab, Asian, and Latino communities, providing free immigrant legal assistance and community education to low-income immigrants in San Francisco. Collectively the Network provides services in over 20 languages and dialects.

*Thank you to Chinese for Affirmative Action for offering language, resources, and leadership to combat the Public Charge ruling.

FOR IMMEDIATE RELEASE

PRESS STATEMENT

Tuesday, January 28, 2020

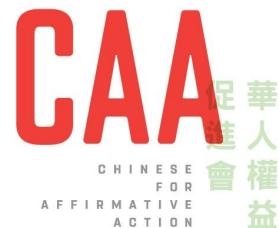
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CAA Urges Immigrants to Stay Informed and Unite Against Harmful Public Charge Policies

San Francisco, CA -- CAA is disappointed in Monday's U.S. Supreme Court decision that enabled the Trump Administration to implement the expanded public charge rule. The policy is widely contested and, while the Supreme Court's decision lifted the injunctions on procedural grounds, ongoing litigation continues. Final decisions from the Supreme Court on the validity of the program is anticipated in March.

The “public charge” test is a set of guidelines the government considers when determining whether immigrants could become dependent on government assistance. The proposed changes will likely impact a narrow segment of immigrants who are seeking to adjust their status in the U.S. Although limited in scope, the expanded rule has the potential to restructure our immigration system in favor of the wealthy by falsely creating fear and confusion to deter low-income immigrant families from accessing necessary public benefits.

The decision is preliminary, but will put into effect the harmful policies to penalize immigrant families for accessing life-saving programs and public benefits. CAA urges community members to stay informed and seek consultation from trusted providers and attorneys before making any decision regarding their families' health and future.

"All immigrants regardless of their wealth and status are deserving of dignity, compassion, and reunification with their loved ones. And we believe those to be our principles as a community and of our immigration system. The Administration's effort to refashion a relic of racist xenophobia highlights its own political agenda to demonize immigrants and reinforce problematic stereotypes about poor communities of color and people with disabilities," states Amy Lin, CAA's Immigrant Rights Co-Program Manager.

Communities and advocates responded with unequivocal resistance and solidarity through public comments and lawsuits, and blocked the expanded rules from taking effect since 2019.

CAA's Director of Advocacy, Hong Mei Pang, states, "This decision is a temporary setback in our fight against public charge rule change. We will continue to stand with immigrant

communities, and vocalize our opposition to any efforts that seek to criminalize low-income communities of color, especially those who are already vulnerable under this Administration, and people with disabilities."

CAA has been partnering with local government and community-based organizations since the policy was published to ensure that immigrant families understand their rights and can effectively manage their risks by accessing legal services in San Francisco.

We urge community members to consult trusted providers and attorneys with any re-consideration of life-saving programs, such as Medi-Cal and CalFresh (SNAP) in fear of negative immigration consequences.

Community members who are interested in learning more are encouraged to contact CAA's Immigrant Rights program at 415.761.3222 for general inquiry and legal referrals regarding how the public charge final rule might affect them.

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Chinese for Affirmative Action (CAA) is a community-based civil rights organization in San Francisco. Our mission is to protect the civil and political rights of Chinese Americans and to advance multiracial democracy in the United States. We advocate for systemic change that protects immigrant rights, promotes language diversity, and remedies racial injustice.

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华人权益促进会敦促移民团结起来反对有害的“公共负担”政策

旧金山的华人组织“华人权益促进会”（以下简称“华促会”）对1月27日（周一）美国最高法院裁决通过特朗普政府执行扩大的“公共负担”政策感到失望。该政策自出台以来一直被受争议，尽管最高法院的裁决解除了针对该政策的禁令，但许多反对的诉讼仍在继续进行。预计最高法院将在2020年3月对该政策的有效性做出最终裁决。

“公共负担”检测是美国政府在确定移民是否依赖政府援助时考虑的一套准则，被认定需要接受政府福利才能生存的移民将被视为“公共负担”，从而被限制申请永久居住权。该政策将很可能影响寻求在美调整身份的部分移民。尽管范围有限，但影响力深远。扩大的新规将重塑美国移民体系，使得富人移民更容易，同时在低收入移民家庭中制造恐惧和困惑，阻止他们获得必要的公共福利。

虽然最高法院的裁决是初步决定，但这项政策被付诸实施将惩罚移民家庭获得可能拯救生命的援助项目和公共福利。

华促会敦促社区成员在对家人的健康和未来做出任何决定之前，详细了解情况并寻求可信赖的福利提供方和律师进行咨询。

“所有移民，不论其财富和地位如何，都应享有尊严，尊重和与亲人团聚的权利。我们坚信这应是我们社区和整个移民制度的原则。特朗普政府努力重塑种族主义和仇外心理的遗骸，只是在强化其妖魔化移民并增强社会对贫穷有色人种社区和残疾人错误的刻板印象的政治议程。”华促会移民权利联合项目经理林语慧说。

很多社区和政策倡导者都通过公众评论和法律诉讼对该政策做出了明确的抵制，并从2019年开始就一直在阻止这项扩大的新规生效。

华促会政策倡导主任冯弘美表示，“这项裁决只是我们反对公共负担规定的一个暂时的挫折，我们将继续与移民社区一起，表达我们反对任何试图将低收入有色人种社区视为犯罪者的声音，尤其是那些在本届政府的政策下本就已经很脆弱的人群和残疾人”。

自该政策发布以来，华促会一直与当地政府和社区组织密切合作，确保移民家庭了解其权利，并可以通过旧金山的法律服务来有效管理其风险。

我们敦促社区成员在因为担心负面的后果，重新考虑获取重要的生存和健康计划（例如白卡 Medi-Cal和粮食券CalFresh（SNAP））前咨询可信赖的提供方和律师。

我们鼓励和欢迎有兴趣了解更多信息的社区成员联系华促会的移民权利项目，我们将提供“公共负担”的最终规则将可能如何影响社区成员的一般咨询和法律建议。

电话：415.761.3222

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华人权益促进会（CAA）是位于旧金山的一个基于社区的民权组织。我们的使命是保护华裔美国人的公民和政治权利，促进美国的多种族民主。我们主张进行系统性变革，以保护移民权利，促进语言多样性并纠正种族不公。

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Standing Powerfully Together Against the Public Charge Rule: *The High Court's Egregious Ruling*

We denounce Monday's SCOTUS ruling on Public Charge which allows the Department of Homeland Security permission to deny entry or legal status to those who may require public assistance. This is defined as cash or non-cash benefits such as housing or food, for more than a year in a three-year time period.

It goes into effect except in Illinois where a statewide injunction remains in place.

This ruling is an attack on our immigrant communities and rooted in hate. This act of hypocrisy is an effort by the administration and its nativist policies to limit immigration by any means necessary. It's another step to unravel our immigration system and places folks in jeopardy of hunger, lack of medical care, housing assistance, while at the same time, using fear as a tactic to discourage folks to get the social resources that working class communities need in order to survive and thrive.

"Our immigrant communities are already some of the most economically marginalized communities inside the U.S. This decision will deter families from accessing quality of life resources; having a high economic impact in immigrant and mixed status families. It will impact their ability to access affordable housing, nutritional programs and other federally funded resources, it will have unintended consequences like increased bureaucratic racial discrimination and will have a great cost to states with large immigrant populations as a result of Federal defunding." says Kitzia Esteva-Martinez, Community Rights co-director at Causa Justa.

This vast expansion is yet another rung in the layers of race and class policies that the administration uses to separate families, and target immigrants. It allows agents to peer further into credit scores, wealth, age, and educational background of immigration applicants and decide whether they are "worthy" of being here. These are value judgements affecting Black and Brown immigrants.

The public charge rule has a shameful history steeped in racism.

As the Washington Post noted: <https://www.washingtonpost.com/opinions/2019/08/15/we-must-abolish-public-charge-rule/>

"Most notoriously, hundreds of thousands of people were denied entry during the 1930s. Despite the rise of Hitler and anti-Jewish sentiment in Europe, State Department leaders directed <https://books.google.com/books?id=mzxw7lio-RwC&pg=PA31&lpg=PA31&dq=Garden+of+beasts+%22consular+officials%22+%22public+charge%22&source=bl&ots=wE260v0sVr&sig=ACfU3U3IdDYxln7RoTHCeS0zfgyAxyGYSQ&hl=en&sa=X&ved=2ahUKEwiMrtGNiYXkAhUFHqwKHU->

[FAN8Q6AEwAHoECAkQAQ#v=onepage&q=Garden%20of%20beasts%20%22consular%20officials%22%20%22public%20charge%22&f=false](#)

consular officers to use the public-charge provision to bar Jewish refugees. Even after the State Department belatedly abandoned using the law to target Jewish refugees, they [continued using it](#) <https://www.pri.org/stories/2018-12-19/trump-administration-s-public-charge-provision-has-roots-colonial-us> decades after to bar gay men, lesbians and the disabled from getting visas. By the 1990s, the provision blocked close to [20 percent](#) <https://www.cato.org/blog/explanation-public-charge-rule-frequently-asked-questions> of immigrant visa applicants."

Said Erin Quinn, Senior Staff Attorney at the Immigrant Legal Resource Center:

"The injunction lifted by the Supreme Court Monday was the only thing preventing a cruel policy from going into effect -- a policy that intentionally creates fear among low-income immigrants from using services and programs for which they qualify. The chilling effect of this rule is greater than its legal reach--using confusion and rhetoric to deter families from getting the care and resources they need to stay healthy and thrive. -

"Most immigrants and their families are not affected by this rule. It is essential for immigrant communities to know: Many immigrant families are still eligible for the services and benefits they need and are legally entitled to receive. **We're calling on Congress to take immediate action — implement legislation that makes it clear to the administration that a century-long interpretation of enacted law should not be reversed through agency action, especially not to establish wealth tests that carry out an anti-immigrant agenda."**

The ILRC has provided a helpful resource to understand what the Public Charge rule means, <https://www.ilrc.org/public-charge>

We urge impacted community members to seek legal counsel regarding public charge. A list of providers in California can be found here:
<https://www.cdss.ca.gov/benefits-services/more-services/immigration-services/immigration-services-contractors/public-charge-contact-list>

CJJC will continue to provide Know Your Rights trainings with our ACILEP
<https://www.centrolegal.org/acilep/>

and SFILEN <https://sfilen.org/> partners to provide up to date information and empower our immigrant base to defend their rights!

These are times that we have to fight harder than ever and stand strong in our human values and against fascism. In the coming months we will have to advance solutions at the state and local level for those community members impacted by public charge and strengthen our state and counties capacity to provide welfare for our people the federal government refuses to serve.

We will continue to stand with our allies, powerfully together, because we are #GreaterthanFear

Onward in our fight for liberation,Kitzia Esteva-Martinez, Community Rights Co-Director (pronouns: They/Theirs / Ellxs)



De pie poderosamente y juntos contra la regla de la carga pública: *La sentencia atroz del Tribunal Supremo*

Denunciamos la sentencia del Tribunal Supremo de los EE.UU. del lunes sobre carga públicas que le permite al Departamento de Seguridad Nacional el permiso para denegar la entrada o el estatus legal a aquellos que puedan requerir asistencia pública. Esto se define como beneficios en efectivo o no en efectivo, como vivienda o alimentos, por más de un año en un período de tres años.

Entra en vigor excepto en Illinois, donde sigue vigente una medida cautelar en todo el estado.

Este fallo es un ataque a nuestras comunidades de inmigrantes y está arraigado en el odio. Este acto de hipocresía es un esfuerzo de la administración y sus políticas nativistas para limitar la inmigración por cualquier medio necesario. Es un paso más para deshacer nuestro sistema de inmigración y pone a la gente en peligro de hambre, falta de atención médica, falta de asistencia de vivienda, mientras que al mismo tiempo utiliza el miedo como una táctica para desalentar a la gente a obtener los recursos sociales que las comunidades de clase trabajadora necesitan para poder sobrevivir y prosperar.

"Nuestras comunidades de inmigrantes ya están entre las comunidades económicamente más marginadas dentro de los Estados Unidos. Esta decisión disuadirá a las familias de acceder a los recursos de calidad de vida; y tendrá un alto impacto económico en las familias inmigrantes y de estatus mixto. Afectará su capacidad de acceder a viviendas asequibles, programas nutricionales y otros recursos financiados por el gobierno federal; tendrá consecuencias imprevistas como una mayor discriminación racial y burocrática y tendrá un gran costo para los estados con grandes poblaciones inmigrantes como resultado del desfinanciamiento federal", dice Kitzia Esteva-Martínez, directora conjunta de Derechos Comunitarios en Causa Justa.

Esta vasta expansión es un peldaño más en las capas de las políticas de raza y clase que la administración utiliza para separar a las familias y atacar a los inmigrantes. Les permite a los agentes indagar más a fondo en las puntuaciones de crédito, la riqueza, la edad y los antecedentes educativos de los solicitantes de estatus migratorio y decidir si son "dignos" de estar aquí. Estos son juicios de valor que afectan a los inmigrantes afrodescendientes y latinos.

La regla de la carga pública tiene una historia vergonzosa impregnada de racismo.

Como [señaló](#) el Washington Post:

"Lo más notorio es que a cientos de miles de personas se les negó la entrada durante la década de 1930. A pesar del ascenso de Hitler y del sentimiento antijudío en Europa, los líderes del Departamento de Estado les [indicaron](#) a los oficiales consulares que utilizaran la disposición de carga pública para impedirle la entrada a los refugiados judíos. Incluso después de que el Departamento de Estado abandonara de forma tardía el uso de la ley para atacar a

los refugiados judíos, continuaron utilizándola décadas después para impedir que los homosexuales, las lesbianas y las personas discapacitadas consiguieran visas. En la década de 1990, la disposición bloqueó cerca del 20 por ciento de los solicitantes de visas de inmigrante."

Dijo Erin Quinn, abogado principal del Centro de Recursos Legales para Inmigrantes:

"La medida cautelar revocada por el Tribunal Supremo el lunes fue lo único que impidió que una política cruel entrara en vigor -- una política que intencionalmente crea miedo entre los inmigrantes de bajos ingresos de utilizar servicios y programas a los que tienen derecho. El efecto escalofriante de esta regla es mayor que su alcance legal: utiliza la confusión y la retórica para disuadir a las familias de recibir la atención y los recursos que necesitan para mantenerse saludables y prosperar.

"La mayoría de los inmigrantes y sus familias no se ven afectados por esta regla. Es esencial que las comunidades de inmigrantes sepan: muchas familias inmigrantes todavía son aptos para los servicios y beneficios que necesitan y que tienen legalmente el derecho a recibir. **Le pedimos al Congreso que tome medidas inmediatas, que implemente legislación que le aclare a la administración que una interpretación de un siglo de la ley promulgada no debe anularse a través de la acción de la agencia, especialmente para establecer pruebas de riqueza que lleven a cabo una agenda antiinmigrante".**

La ILRC ha proporcionado un recurso útil para entender lo que significa la regla de la carga pública,

<https://www.ilrc.org/public-charge>

Instamos a los miembros de la comunidad afectados a buscar asesoramiento legal con respecto a la carga pública. Una lista de proveedores en California se puede encontrar aquí: <https://www.cdss.ca.gov/benefits-services/more-services/immigration-services/immigration-services-contractors/public-charge-contact-list>

CJJC continuará proporcionando capacitaciones para conocer los derechos con nuestros socios de Asociación Legal y Educativa de Inmigración del Condado de Alameda (ACILEP) y Red Legal y Educativa de Inmigrantes de San Francisco (SFILEN) para proporcionar información actualizada y capacitar a nuestra base de inmigrantes para defender sus derechos!

Estos son los momentos en que tenemos que luchar más que nunca y mantenernos firmes en nuestros valores humanos y contra el fascismo. En los próximos meses tendremos que avanzar en soluciones a nivel estatal y local para aquellos miembros de la comunidad afectados por la carga pública y fortalecer la capacidad de nuestro estado y condados para proporcionarle bienestar a nuestra gente que el gobierno federal se niega a servir.

Seguiremos con nuestros aliados, poderosamente juntos, porque somos #Mayoresqueelmiedo

Hacia adelante, en nuestra lucha por la liberación.
Kitzia Esteva-Martínez (pronombres: Ellos/Sus/ Ellas)
Directox Conjunta de Derechos Comunitarios