

IMMIGRATION

Applying For A Green Card Will Now Make It Harder To Get A Green Card

Can Trump's decision to blow up the Moon in order to eliminate werewolves be far behind?

By LORELEI LAIRD

at 10:43 AM



(Photo by Mark Wilson/Getty Images)

Donald Trump may not be able to define (or spell) “irony,” but he has nonetheless set up a solid lesson in irony through the Department of Homeland Security. Starting this past Monday, his administration has started implementing its “public charge rule,” which denies immigrant visas and adjustment of status — including green cards, which confer lawful permanent residency — to immigrants the government thinks are likely to depend on public benefits.

And in a neat little catch-22 worthy of [The Bad Place](#) itself, U.S. Citizenship and Immigration Service’s [rewrote](#) its rules for implementation to say that applying for a green

It's just what the Framers wanted!

Some background, for those of you who don't walk around in a permanent state of immigration-law-related outrage: The public charge rule is actually [a part of the Immigration and Nationality Act](#), but the Trump administration has redefined it to make it harsher. It says immigrants are ineligible for visas or admission to the U.S. if they are "likely at any time to become a public charge." Previously, the implementation guidance on this gave decision-makers a list of four assistance programs and told them to exclude people who used those programs for more than half of their income.

But DHS under Ken Cucinnelli — the definitely-not-a-racist who [rewrote "The New Colossus"](#) to say the opposite of what it means and then argued that it was [only supposed to apply to Europeans](#) anyway — has expanded it considerably. [According to the Catholic Legal Immigration Network Inc.](#), immigrants are now considered public charges if they are "more likely than not" to participate in cash assistance programs, food stamps, Medicaid, and rental assistance for more than 12 months in total out of any 36. There's more, but you get the idea: Down with the poor! To underscore the point, the rules even let immigrants who have the means buy their way out of the policy by making a large deposit.

Of course, this being the Trump administration, the actual point is to exclude as many people as possible from immigrating. The Migration Policy Institute [calculated in 2018](#) that the public charge rewrite would expand the number of noncitizens deemed inadmissible to 47% from 3%. And [it's already scaring immigrants](#) into avoiding public benefits programs, even the ones that aren't on the list, like free and reduced school lunches. [Medical policy wonks are particularly worried](#) about the public health effects of keeping a bunch of people uninsured, underfed, and in poor housing.

Immigrant advocates have sued to stop this at least eight times, but the Supreme Court overturned a nationwide injunction in the matter in January, with [Justices Gorsuch and Thomas writing](#) to explain that they were rilly rilly concerned about nationwide injunctions. If this sounds familiar, it may be because they abandoned that fig leaf of an argument this week by blocking an injunction that only applied to Illinois. That's what triggered [Justice](#)

measure) to recuse themselves from anything related to him.

On the plus side, Trump managed to spell “recuse” correctly. Hey, when you cover immigration, you have to grasp for whatever silver linings you can find.

Lorelei Laird is a freelance writer specializing in the law, and the only person you know who still has an “I Believe Anita Hill” bumper sticker. Find her at wordofthelaird.com.



TOPICS

Donald Trump, Immigration, Lorelei Laird

EVOLVE THE LAW DIRECTORY

MARKETING/COMMUNICATION

Customers

Small Law Firms, Solo Practitioners

CONSULTING

Customers

Biglaw, Corporations,
Small Law Firms, Solo
Practitioners

ONLINE LEGAL SERVICES

Customers

Consumers



Yelp