



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember Raul Peralez
Vice Mayor Magdalena Carrasco
Councilmember Sylvia Arenas
Councilmember Johnny Khamis

SUBJECT: SEE BELOW

DATE: October 19, 2018

Approved by: *Raul Peralez* MR Date: 10/19/18

Magdalena Carrasco *Sylvia Arenas* *Johnny Khamis*

SUBJECT: PROPOSED PUBLIC CHARGE RULE

RECOMMENDATION

Accept the City Manager's Office recommendation to:

1. Adopt a resolution opposing the proposed Public Charge rule,
2. Direct the City Attorney's Office to submit a statement consistent with our City's values by December 10, 2018,
3. Work with Santa Clara County's Office of Immigrant Relations and partnering agencies to participate in a robust communications campaign, and
4. Direct staff to present a brief information memo with an update on outreach efforts.

DISCUSSION

On October 10, 2018, the Federal Administration formally submitted a Notice of Proposed Rulemaking (NPRM) to the Federal Registry, adding what services could be considered when analyzing a Public Charge determination on legal permanent residence applications and re-entry into the country. This rule had been anticipated by immigrant communities and organizations since a draft executive order was leaked from the Federal Administration in January 2017. Further anticipation of this rule came a year later when revisions to the Foreign Affairs Manual (FAM) stated that Public Charge determination

was extended to include an applicant's household members and sponsors.¹ These actions give insight into how the Administration continues to attack our most vulnerable population of immigrant families and communities.

The FAM revisions and proposed Public Charge rule are both actions to be concerned about as they are strategic moves to target our low-income, elderly, unschooled, higher education student and non-English-proficient populations. The proposed revision would expand what services could be considered a Public Charge determination in the United States and put immigrants at risk of incurring grounds for inadmissibility or deportation proceedings.²

The proposed rule denies individuals access to basic needs and services such as healthcare, nutrition, education, economic and social services that allow them to be active, participating community members; services that are crucial, especially in the Bay Area, for the survival and stability of families considering the cost of living increases annually.

We are alarmed by the trend of this administration to enact such punitive immigration policies. It is a declaration to our immigrant communities that they must "pay to stay" and puts at risk the well-being of hundreds of thousands of families; forcing them to choose between stability and unity. The Administration is, once again, separating families by preventing their reunification or their ability to stay together.

As a City who finds strength in our diversity and thrives from the contributions of immigrants, we must continue to invest in protecting our constituents from deceptive and harmful policies.

¹ (2018, April 2). Access to Health Care, Food, and Other Public Programs for Immigrant Families under the Trump Administration: Things to keep in Mind When Talking with Immigrant Families. *National Immigration Law Center*. Retrieved from <https://www.nilc.org/issues/health-care/exec-orders-and-access-to-public-programs/>.

² Puhl, E.; Quinn, E.; and Kinoshita, S. (August, 2018). An Overview of Public Charge. *Immigrant Legal Resource Center*. Retrieved from https://www.ilrc.org/sites/default/files/resources/overview_of_public_charge-20180808.pdf.