



# Memorandum

**TO: CITY COUNCIL**

**FROM:** Mayor Sam Liccardo  
Councilmember Chappie Jones  
Councilmember Sergio Jimenez  
Councilmember Dev Davis

**SUBJECT: SEE BELOW**

**DATE:** October 19, 2018

Approved

Date

**SUBJECT: PROPOSED PUBLIC CHARGE RULE**

## RECOMMENDATION

Accept staff recommendation to adopt a resolution opposing the proposed Public Charge rule released by the Department of Homeland Security and published in the Federal Registrar on October 10, 2018, and direct the City Attorney's Office to submit a statement on behalf of the City during the public comment period.

## BACKGROUND

San José is a City of immigrants. Nearly 20 percent of our residents do not have US citizenship. Since our city's founding 241 years ago, San José has provided opportunities, protections, and economic mobility to its immigrant community. A recent Harvard study shows that low-income residents in San José have had greater opportunities to participate in the prosperity of our nation than any other metro area in the nation. Penalizing immigrants who have received public benefits for their health, education, or housing is inconsistent with our values and conflicts with our goal of being a welcoming community for all.

The White House's repeated attempts at "ethnic cleansing"—albeit generally utilizing race-neutral mechanisms to accomplish objectives that, by the President's rhetoric, have a clearly racist intent—have left much of our community vulnerable. As we have stood in defense of our DACA recipients and our Muslim community, we oppose the proposed Public Charge rule put forth by this Administration. These changes to well-established policy threatens our families' health and well-being, and will imperil hundreds of thousands of our neighbors. We condemn this step, and commit to empowering our community by educating and informing them about their rights and obligations under the law. The City's Office of Immigrant Affairs, working with each of our own offices, will provide a vital role in this effort.

Through the US Conference of Mayors, we have joined nearly 100 mayors in rejecting the proposed public charge rule (letter attached), and encourage our Council to do the same.



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TOM COCHRAN

October 10, 2018

The Honorable Kirstjen M. Nielsen  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Ave NW  
Washington, DC 20528

Dear Secretary Nielsen:

We write to register the strong opposition of the nation's mayors to the new regulations on "public charge" that your Department is proposing. While we understand the intent of the "public charge" test that has been in place for decades, the new proposed rule takes this principle to an extreme and, if adopted, would ultimately punish immigrants for accessing non-cash benefits designed to help families succeed and thrive in the United States and become contributing members of our communities.

Many great Americans came to this country as immigrants, arriving with nothing and starting their journey from the bottom rung of the economic ladder. Our history has shown us that access to critical benefits are often necessary for a short time in order to help immigrants become assimilated and ultimately prosper in their new country. Clearly, it would not be in the best interest of our communities to impose further restrictions on non-cash benefits that would limit immigrants' growth, economic prosperity, and pursuit of happiness as Americans.

In our view, this proposal will compromise children's health, nutrition, and development; impact access to health care; reduce housing options; and negatively affect our local economies. It will force families to choose between the help they need and the people they love. Further, by disrupting many people's pathways to citizenship, the proposed rule would also deprive immigrants and cities alike of the well-documented benefits of naturalization on earnings, employment, and homeownership.

Furthermore, an attempt to enact this new regulation that significantly expands the definition of "public charge" via a federal rule is wrong and prevents a more appropriate study of this issue with proper Congressional involvement.

As mayors, we see firsthand, every day, the positive impact that immigrants have on our communities. They contribute in countless ways to our economic and cultural strength. Our cities and our great nation were built by immigrants and are continually reenergized by them. This misguided policy will hurt our people, our cities, and our nation. It denies our history and jeopardizes our future.

At the annual meeting of the U.S. Conference of Mayors this past June, we unanimously adopted policy calling on the Administration to drop any expansion of the "public charge" rule. With this letter, we reiterate this call and urge you to abandon this misguided rule now.

Sincerely,

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Burnsville, Minnesota  
Past President

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Los Angeles, California  
Chair, USCM Latino Alliance

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