Policy Brief

Gauging the Impact of DHS' Proposed Public-Charge Rule on U.S. Immigration

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Executive Summary

On October 10, 2018, the U.S. Department of Homeland Security (DHS) published a proposed rule that could significantly reshape legal immigration to the United States. Under the terms of this new "public-charge" rule, many immigrants could be prevented from obtaining lawful permanent residence (i.e., a green card) or renewing a temporary visa if they are using or have used certain public benefits, or if immigration officers determine they are likely to use these benefits in the future. Public-charge determinations are currently made based on guidance issued in 1999, which limits the benefits considered to cash assistance for income maintenance and long-term institutionalization—primarily the federal Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI) programs. The proposed rule expands the list of considered benefits to include the Supplemental Nutrition Assistance Program (SNAP, or food stamps); Medicaid, subject to limited exceptions; Medicare Part D drug subsidies; and certain forms of federal housing assistance. By including these programs, the rule greatly increases the share of green-card applicants at risk of denial.

While public debate has mostly focused on how many immigrants might stop using benefits due to fear of immigration consequences, this is only part of the picture. Though these concerns about the rule's potential chilling effects are serious, few immigrants would likely be denied green cards based on current or past use of the benefits listed in the rule because most lawfully present immigrants who do not yet have green cards are ineligible for these benefits, and unauthorized immigrants are entirely ineligible for them. Moreover, many people applying for green cards do so from outside the United States and, thus, are unlikely to have had the opportunity to use U.S. public benefits. For most of the benefits specified, the rule would not apply to use before the rule becomes effective.

But the proposed rule would also give immigration officials broad discretion to deny the green-card applications of individuals "likely" to use specified benefits in the future. This approach means many applicants face the risk of being denied not because they have used public benefits but because of demographic and socioeconomic characteristics the rule considers signs of likely future benefit use. When determining whether an individual is likely to use benefits, U.S. law directs immigration officers to apply a "totality of circumstances" test by considering factors such as age, education, health, income, and resources. The proposed rule builds out this list, specifying both negative and positive factors, with some to be given more weight than others when determining an applicant's green-card eligibility.

Using 2012–16 data from the U.S. Census Bureau's American Community Survey (ACS), and a unique methodology developed by the Migration Policy Institute (MPI) to assign immigration status to the foreign-born population in ACS data, this analysis models how many recent

green-card recipients had some of these negative factors and, had the proposed rule been in place, may have been at risk of denial as a result. To get a more accurate picture of the population that would potentially be affected by the proposed rule, the sample is limited to lawful permanent residents (LPRs) who, at the time ACS data were collected, had been in the United States for fewer than five years and who were not refugees and other humanitarian admissions, as they are exempt by law from public-charge tests.

Among recent green-card recipients, this analysis found some of the negative factors specified by the rule to be more prevalent than others. The five modeled factors, in order of prevalence, are as follows:

- being neither employed nor enrolled in school (43 percent);

- not speaking English well or at all (39 percent);

- having an income below 125 percent of the federal poverty level (33 percent);

- not having a high school diploma (25 percent); and

- being either under age 18 or over 61 and having an income below 125 percent of the federal poverty level (12 percent).

Most recent green-card recipients had at least one negative factor, but few had all five. According to MPI analysis, the following shares of recent LPRs had one or more negative factors:

- 69 percent had at least one negative factor;

- 43 percent had at least two negative factors;

- 17 percent had at least three negative factors;

- 4 percent had four or more negative factors; and

- 1 percent was negative on all five.

Just 39 percent of recent green-card recipients had incomes at or above 250 percent of the federal poverty level ($62,750 for a family of four in 2018)—a heavily weighed positive factor in the rule.

While these estimates begin to illustrate how many more people might be affected by the revised public-charge test, they are somewhat conservative. MPI's model uses conservative thresholds for factors not clearly specified in the rule, and some factors could not be modeled at all due to the rule's lack of specificity or data limitations.

The findings of this analysis suggest that most green-card applicants would fall into a grey area, with some positive and some negative factors. Because the proposed rule is vague on the relative importance to be given to different factors, and how many negatives would result in a denial, it would seem the ultimate decision about who gets denied may be left to the discretion of individual immigration officers. This vagueness creates a risk that the public-charge standard will be inconsistently applied.

This analysis also finds that the proposed rule would disproportionately affect women, children, and the elderly. With its emphasis on employment, the rule has the potential to make it more difficult for women who stay at home raising children to get green cards. The rule is more explicit with regard to low-income children and the elderly, who by definition have one strike against them. Moreover, children have higher poverty rates than adults, and older adults are less likely to work than younger ones, further disadvantaging these two age groups. Among recent green-card recipients, about 45 percent of children had two or more negative factors, as did 72 percent of adults over age 61. Notably, the rule is silent on cases in which one family member (say, a working father) passes

the public-charge test, but other members (his spouse and children) fail it.

What then are likely to be the rule's main impacts if it goes into effect?

First, it will likely chill enrollment in public benefit programs for many immigrants—including some who are not directly affected by the rule's provisions. Depending on how many people disenroll from benefits, this could have a significant impact on health-care providers and other social welfare systems, state and local government budgets, and local economies.

Second, the rule would likely result in a shift in the origins of immigrants granted green cards. This shift would be away from Mexico and Central America (the origin group whose members are most likely to have the negative factors set out in the proposed rule) and toward other world regions, especially Europe.

Third, the burden of collecting the required paperwork for the public-charge determination would be significant, and alongside its uncertain outcome in many cases, could deter many individuals from applying for a green card. The new public-charge form and required inquiries into assets, debts, and credit could be expensive for applicants, and the more complex process would be time-consuming for both applicants and immigration officers—potentially prolonging already lengthy application processing times.

Fourth, the nation's employers might feel the impact of the rule, especially if it exacerbates shortages in the current tight labor market. Close to half of recent green-card recipients who worked full time had one or more negative factors that would have put them at risk of denial had the rule been in effect. The future exclusion of mainly low- and middle-skilled immigrant workers, most of whom enter the country on family visas, would likely be most heavily felt in the agriculture, construction, manufacturing, and hospitality industries.

Finally, the rule will likely have a far-reaching impact on individuals seeking to come to the United States or stay here permanently to be with their U.S.-citizen and LPR family members. Two-thirds of green cards are given to immigrants sponsored by relatives. The proposed rule explicitly and implicitly penalizes children and older adults (often the parents or grandparents of their sponsors). It also penalizes women.

Since 1965, family reunification has been the cornerstone of U.S. immigration law. In 2017, the Trump administration endorsed a bill in Congress that would have eliminated some family-immigration preferences alongside the diversity visa program, thereby cutting admissions in half—only to see it fail in the Senate. This proposed rule may, in the long run, impose the kind of steep cuts to family admissions that the administration has consistently championed but could not accomplish via legislation.

I. Introduction

On October 10, 2018, the U.S. Department of Homeland Security (DHS) published a proposed rule that could significantly change the character of legal immigration to the United States. Once finalized and implemented, the rule could prevent many noncitizens from obtaining lawful permanent residence (i.e., a green card) or renewing a temporary visa if they recently used certain public benefits, or if immigration officers determine they are likely to receive these benefits in the future. The rule establishes a new standard for the "public-charge" test officials use to judge the likelihood of future benefit use, considering applicants' characteristics such as age, health, education, English proficiency, income, and employment.

Members of the public have until December 10, 2018 to submit comments on the proposed rule. After receiving and reviewing these comments, DHS will issue a final rule, which may differ from the proposed rule in large or small ways.

This policy brief examines the basic elements of the proposed rule and how, if adopted, it could affect individuals applying for green cards. The

rule's public-charge test defines several demographic and economic characteristics as relevant factors in immigration decision-making, but not all of them can be readily modelled. In this analysis, Migration Policy Institute (MPI) researchers use 2012–16 data from the U.S. Census Bureau's American Community Survey (ACS) to examine five key factors: age, income, educational attainment, English language proficiency, and employment. Understanding the potential impact of this complex proposed rule is essential, given its likely chilling effects on immigrants' willingness to apply for social welfare and, perhaps, immigration benefits, and the impact of these changes on states and local economies.[1] This brief focuses on the potential impacts of the rule on immigration benefits, namely green-card applications.

II. Current Public-Charge Standards (Based on a 1999 Rule)

Since 1882, U.S. immigration law has included a provision that allows immigration authorities to refuse noncitizens admission if they are likely to become public charges. Congress has never defined "public charge," and the standards applied have changed from time to time. The current standards were established in 1999, when the U.S. Immigration and Naturalization Service (INS)—the precursor to DHS—issued guidelines specifying that an immigrant was to be considered a public charge if he or she was primarily dependent on the government for cash assistance for income maintenance or long-term institutionalization due to poor health or disability.[2] The 1999 guidance also directed immigration officers to consider an immigrant's "totality of circumstances" (i.e., age, education, and other characteristics) when determining whether he or she is likely to become primarily dependent on these public supports.[3]

III. Approach under the Proposed Rule

The proposed rule published in October 2018 would change the criteria used in public-charge determinations, with important implications for who is admitted to the United States for years to come.

A. Who Would Be Affected?

The proposed rule would primarily affect people applying for permanent residence, whether from inside or outside the United States.[4] In fiscal year (FY) 2017, had the proposed rule been in place, its public-charge test would have applied to 83 percent of all immigrants who received green cards, a figure largely composed of persons sponsored by relatives (66 percent of the total), as well as some sponsored by employers (12 percent) or admitted through the diversity visa lottery for immigrants from countries underrepresented in overall admissions (5 percent).[5] DHS has estimated that on average across the past five fiscal years, about 382,000 persons a year seeking green cards from within the United States would be subject to the rule. In addition, in FY 2017, there were 559,000 persons living abroad who received green cards at U.S. consulates, a group that would also be subject to the rule, bringing the estimated total affected population to 941,000 for an average recent year.

The proposed rule would also affect the ability of the estimated 2.3 million nonimmigrants with temporary visas (e.g., students, H-1B high-skilled workers, and H-2A agricultural workers) to extend their visas or change their immigration status—though not all do so.[6] The language in the rule is vague as to whether the full "totality of circumstances" test should

apply to people with temporary visas. Also, nonimmigrants are generally ineligible for the public benefits listed in the proposed rule, and if they are students or high-skilled workers, they are generally well educated and have other characteristics that would make them more likely to pass the test than many family-based immigrants. Accordingly, this analysis focuses on the proposed rule's provisions relating to green-card applicants, not those seeking to extend or change their nonimmigrant temporary visas.

B. Who Would Not Be Affected?

U.S. immigration law states that public-charge tests do not apply to green-card applicants who entered the country as refugees, were granted asylum, or received other humanitarian visas (e.g., U visas for victims of crime, T visas for victims of trafficking, and Special Immigrant Juvenile Status for unauthorized youth who cannot reunify with a parent due to abuse, neglect, or abandonment). In FY 2017, approximately 190,000 green cards were granted through these humanitarian channels, accounting for about 17 percent of all green cards issued that year.[7]

With very narrow exceptions, the proposed rule would only apply to individuals applying for a green card, not those who already have one. The rule, as published in October 2018, does not apply to naturalization or green-card renewals, nor does it affect standards for the deportation of legal immigrants.[8] It would, however, apply to green-card holders who leave the country for more than six months and are seeking to be readmitted.[9] Finally, benefit use on the part of would-be sponsors of legal immigrants would not be considered.

C. Which Benefits Would Count in the Public-Charge Test?

The proposed rule would substantially increase the range of public benefits that could be considered in the public-charge test. The 1999 rule counted use of government cash assistance for income maintenance, with the two main programs considered being Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI). Immigration officers were also to consider use of state and local cash assistance programs and long-term institutionalization.

The proposed rule would expand the list of benefits to also include the following:

- Supplemental Nutrition Assistance Program (SNAP, or food stamps);

- Medicaid, subject to very limited exceptions including emergency health care and services provided to students with disabilities under the *Individuals with Disabilities Education Act*;

- Section 8 housing assistance;

- public housing; and

- subsidies for drug benefits under Medicare Part D.

Under the proposed revisions to the public-charge test, current use of any of these benefits or receipt within the past 36 months would weigh heavily against the individual. While current standards consider whether an individual is "primarily dependent" on benefits, the proposed rule would establish a considerably lower threshold.[10] However, the proposed

rule does explicitly state that benefit use—other than cash assistance and long-term institutionalization—will only be counted *after* the rule goes into effect; it will not be retroactive.

Though the list of benefits in the published October rule is substantially broader than the 1999 guidelines currently in effect, it is narrower than the lists in earlier drafts of the proposed rule leaked in January and March 2018.[11] And the proposed rule focuses on benefit use by the individual immigrant, while earlier drafts would also have counted use by the applicant's dependents, including U.S.-citizen children. Nonetheless, the proposed rule expands the list of countable benefits to include two of the most widely used: SNAP and Medicaid.[12] It is important to note, however, that noncitizens who do not have green cards are ineligible for all programs listed in the rule in all but a limited set of circumstances; the primary exception is Medicaid for pregnant women and children in states that have elected this option. Unauthorized immigrants are generally ineligible for these benefits. As a result, the proposed rule's biggest potential impact may not be on immigrants currently using these benefits, but on those immigration officials deem likely to use them in the future.

D.   Which Characteristics Would Count as Indicators of Likely Future Benefit Use?

The proposed rule directs immigration officers to consider multiple factors as part of a "totality of circumstances" test to determine whether an individual is likely to use public benefits in the future, and thus become a public charge. The factors to be weighed include recent and current benefit use as well as some demographic and socioeconomic characteristics that are relatively easy to verify: age, family size, education, income, health insurance coverage, and requesting a waiver for the green-card application fee. But they also include factors that will require much more documentation and could significantly slow the application process; these include proof of applicants' assets and resources, debts, credit scores, and health conditions. The bureaucratic processes involved in obtaining the financial documents required to pass the public-charge test could become a substantial barrier for some individuals seeking green cards. (For a detailed list of the factors described in the rule, see Appendix A.)

No single factor would prevent an individual from getting a green card, other than the lack of a legally binding affidavit of support from their sponsor, if required. Some factors, however, count more than others: current receipt of one or more listed public benefits or receipt in the last 36 months would be heavily weighed as negative. Having an income of at least 250 percent of the federal poverty level ($62,750 for a family of four, as of 2018), or equivalent assets, resources, and support, would be a heavily weighed positive factor. Other factors are presumed to be weighed less heavily, but the rule is silent on exactly how much weight each factor should be given, and on how many negative factors are required to disqualifying an individual from getting a green card.

IV.   The Population at Risk of Being Denied Green Cards

The proposed rule's greatly expanded standard for public-charge determinations will likely result in a notable increase in the numbers of applicants denied green cards. Most of these denials will not be based on current or recent benefit use, both because immigrants who are not yet legal permanent residents (LPRs) are generally ineligible for these programs and because individuals applying from outside the United States are unlikely to have used U.S. public benefits. Instead, most denials will be based on immigration officers' determinations that individuals are likely to use benefits in the future, considering the factors listed in the rule's "totality of circumstances" test.

A.   Data and Methods

To estimate the population of noncitizens likely to be affected by the proposed changes to the public-charge rule, MPI analyzed key negative factors that could disqualify individuals from getting green cards using its unique methodology to assign legal status to the foreign-born population in 2012–16 ACS data. Using these data, MPI researchers modeled the share of recent green-card recipients, excluding refugees and other humanitarian admissions, with the following five negative factors:[13]

- whether the individual's household income was below 125 percent of the federal poverty level;

- whether the individual's age was under 18 or over 61 and, when that was the case, whether their household income was below 125 percent of the federal poverty level;

- whether the individual was limited English proficient (i.e., spoke English "not well" or "not at all");

- whether the individual had no high school diploma or equivalent; and

- whether the individual was neither employed nor enrolled in school.

For each of these factors, MPI's analysis takes a conservative approach. For instance, because it is unclear exactly what educational threshold would be considered as part of the test, this analysis models having a high school diploma rather than at least some college.[14] Similarly, while the U.S. Census Bureau generally considers someone limited English proficient if they report speaking English less than "very well," the threshold under the rule is unclear, so this analysis instead includes only noncitizens who speak it "not well" or "not at all" (excluding those who speak it "well").[15] Finally, this analysis combines

the age and low-income factors, given that the rule is unclear on whether age should be considered alone or in combination with income.[16]

Several other factors could not be modeled due to ACS data limitations or the rule's lack of specificity. The ACS does not include information on health conditions, assets, debts, credit scores, or requests for application fee waivers. This analysis does not model family size because the rule does not specify the threshold that would constitute a negative factor, nor does it model benefit use in the recent LPR population because eligibility rules differ for immigrants with and without green cards.

Importantly, these estimates represent the population "at risk" of denial, rather than the population that would actually be denied. The rule does not provide sufficient clarity about how the factors would be weighed or how many negative versus positive factors would result in denial to draw more precise conclusions. In the rule, DHS notes that the number of persons denied green cards on public-charge grounds will likely increase, but it does not provide estimates of how many.

Finally, while the proposed public-charge rule is likely to affect noncitizens seeking green cards through family channels more severely than those applying through employment channels, MPI's model using ACS data does not distinguish between green-card holders who entered via different channels.[17] Therefore, these findings likely underestimate the share of family-sponsored immigrants who could have difficulty obtaining green cards under the proposed rule.

B.   Findings

Most recent legal permanent residents had some but not all of the negative factors that, were the rule in place, could have been used to disqualify them from getting green cards. Sixty-nine per-

Figure 1. Negative Factors for Public-Charge Determinations among Recent LPRs, 2012–16
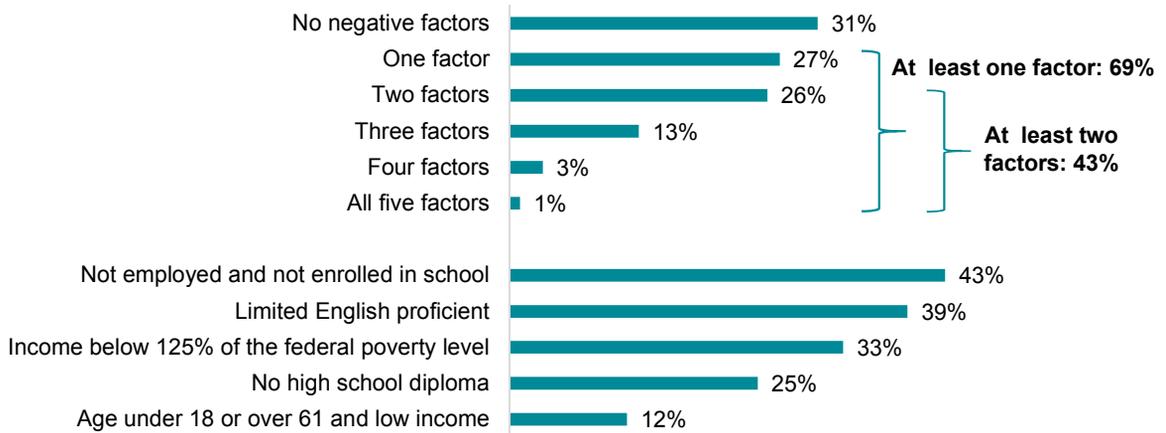
Notes: Recent LPRs are those who, at the time the American Community Survey (ACS) data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. In this analysis, "limited English proficient" is defined as speaking English not well or not at all.
Source: Migration Policy Institute (MPI) analysis of pooled 2012–16 ACS data.

cent had at least one of the five negative factors modeled, and 43 percent had at least two (see Figure 1). Thus, the share of green-card applicants likely to be deemed public charges is not clear cut, since the rule does not specify how many negative versus positive factors someone must have for their application to be denied; absent further guidance, this could give immigration officers substantial latitude in deciding who can and cannot get a green card.

The most common negative factor among recent LPRs was not being employed and not enrolled in school. Overall, 43 percent of recent green-card recipients were neither employed nor in school, with women comprising 70 percent of those in this situation. Many immigrant women do not work because of child-rearing responsibilities, and child care is often difficult for low-income immigrant families to afford.[18] Substantial shares of recent LPRs also had limited English proficiency (39 percent), had incomes below 125 percent of the federal poverty level (33 percent), or had no high school diploma (25 percent). There was substantial overlap among

these populations (see the Appendix for cross-tabulation of some of these factors).

While the proposed rule does not make clear the relative weight of all of the factors to be considered, some of those highlighted as "heavily weighed" could affect large shares of applicants. Under the proposed rule, having a family income at or above 250 percent of the federal poverty level would be a heavily weighed positive factor.[19] Sixty-one percent of recent green-card recipients did not meet this standard. Earlier MPI analyses of a somewhat different population (all recent, legally present immigrants, rather than recent green-card recipients specifically) found similar results.[20]

The proposed rule would place some groups at greater risk of being denied green cards than others. Women could have a more difficult time passing the public-charge test because they are less likely to be employed than men, generally live in larger households, and have lower incomes. Children and older adults could also fail the test more often than working-age adults.

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Figure 2. Recent LPRs with Two or More Negative Factors, by Age, 2012–16
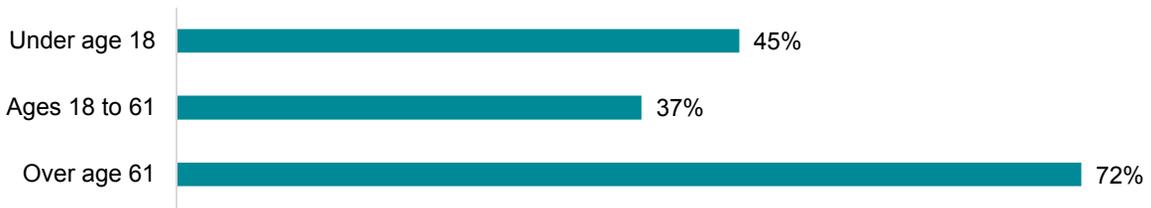
Age group	Percentage
Under age 18	45%
Ages 18 to 61	37%
Over age 61	72%

Notes: Recent LPRs are those who, at the time the ACS data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. For a breakdown of positive and negative factors among recent LPRs by age group, see Appendix Table B-1.
Source: MPI analysis of pooled 2012–16 ACS data.

Among recent LPRs, 45 percent of children under the age of 18 had at least two negative factors, as did 72 percent of adults over age 61 (see Figure 2). By contrast, 37 percent of adults ages 18 to 61 had two or more negative factors.

The proposed rule would also likely place individuals from Mexico and Central America at a higher risk of denial than those from other world regions. Among recent green-card recipients, 60 percent of those from Mexico and Central America had at least two negative factors, compared with less than 50 percent of those from all other regions (see Figure 3). Recent immigrants from Europe, Canada, Australia, and New Zealand were the least likely to have two or more negative factors, at 27 percent. (For a comparison of how the revised public-charge

test might affect immigrants from the 18 most common birth countries for recent LPRs, see Appendix Table B-4.)

Even though the proposed rule considers being employed a positive factor, some workers nonetheless have other negative factors that would put them at risk of being deemed a public charge. Among recent green-card recipients, 49 percent of those working full time (at least 35 hours per week) had at least one negative factor, and 20 percent had two. Workers in some industries would be more affected than others: 87 percent of recent LPRs working in agriculture, 75 percent in construction, 61 percent in hospitality, and 58 percent in manufacturing had one or more negative factors (see Appendix Table B-6 for a breakdown by industry). Because low-

Figure 3. Recent LPRs with Two or More Negative Factors, by Region of Birth, 2012–16

Region of birth	Percentage
Mexico and Central America	60%
Caribbean	48%
Asia	41%
South America	40%
Africa	34%
Europe, Canada, Oceania	27%

Notes: Recent LPRs are those who, at the time the ACS data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. For a breakdown of positive and negative factors among recent LPRs by region of birth, see Appendix Table B-3.
*Source:* MPI analysis of pooled 2012–16 ACS data.

earning workers are often eligible for SNAP, Medicaid, and housing assistance, assessing the likelihood of modest future use of these work supports could place many low-earning immigrants at risk of being denied a green card. By potentially restricting the immigration of low-skilled and even some middle-skilled workers, the proposed rule may exacerbate labor shortages in these industries at a time of low unemployment.

V. Conclusions

The proposed rule could have wide-ranging impacts on legal immigration to the United States. As MPI's analysis shows, the rule's planned changes to the public-charge test could restrict the number of low-skilled workers, women, children, and older adults granted lawful permanent residence. Using conservative assumptions about who could be affected by the rule, this analysis suggests that 69 percent of green-card applicants who are not refugees or other humanitarian admissions would have at least one demographic or socioeconomic characteristic considered a negative factor on the test, with 43 percent having two or more such factors. If the test were applied to the approximately 940,000 permanent residents admitted in FY 2017 (excluding refugees, asylees, and other humanitarian admissions), about 650,000 would have been at risk of denial for having at least one negative factor, and among them, about 400,000 for having at least two. Only 39 percent of LPRs admitted in FY 2017—about 370,000 immigrants—would have met the heavily weighed positive factor of having an income of at least 250 percent of the poverty level.

These findings point to the proposed rule's potential to substantially reduce future green-card issuance. The reductions would fall most heavily on immigrants sponsored by immediate U.S.-citizen relatives, who with a total of about 520,000 green cards issued in FY 2017, comprise the largest admissions group not capped by legislation and therefore vulnerable

to sharp drops that could result from the new public-charge rule.

There would also likely be a shift in the origins of immigrants granted green cards in the future, away from Mexico and Central America—the origin group most likely to have the negative factors laid out in the proposed rule—and toward other world regions, especially Europe. The rule could also trigger a shift away from lower-skilled and toward more highly skilled workers, affecting labor supply in industries such as construction, manufacturing, and agriculture.

Moreover, the proposed rule could potentially make it more difficult for families to stay together or reunify. Children and older adults are more likely to be excluded by the public-charge test than working-age adults, and women are more likely to be excluded than men. The rule does not specify what would happen should a working parent (e.g., a father) have mostly positive factors on the test, but his nonworking spouse and children have mostly negative factors. Would only the father be admitted, or would the whole family be denied green cards? What would happen if the nonworking spouse of a working U.S. citizen applies for a green card?

The current U.S. legal immigration system is built on a foundation of family reunification laid by Congress more than a half century ago. The *Immigration and Nationality Act of 1965* deliberately overturned decades-old laws that limited immigration from certain world regions, thereby opening the United States to immigrants from all over the world.[21] In 2017, the Trump administration endorsed the RAISE Act, a bill that would have eliminated some of the family-based admission preferences created by the 1965 law, as well as the diversity visa lottery—which was legislated in 1990—thereby cutting overall admissions by about half.[22] The RAISE Act died in Senate committee, and no proposals for substantial cuts in legal immigration have been seriously considered since then.

The proposed rule, while not an act of Congress, has the potential to significantly shift immigration flows away from Latin America toward Europe, partially reversing the gains in the diversity of U.S. immigration achieved since 1965. And by disproportionately excluding women, children, and older adults, the rule—if implemented as currently written—could facilitate or prolong the separation of legal immigrant families, thereby striking at the heart of the pro-family immigration policy conceived in 1965. Indeed, many citizens, both U.S. and foreign born, would encounter new barriers to uniting with their family members as they historically have been able to do.

With multiple factors at play and the methods for weighing them unclear, the proposed rule would complicate immigration decision-making and raise significant risks of inconsistent and arbitrary decisions by immigration officers. Substantial paperwork requirements—including a new, detailed public-charge form and asset, debt, and credit checks—threaten to deter some people from applying and to slow an already lengthy green-card application process. The rule's combined complexity and vagueness could also chill some noncitizens' participation in public benefits for which they qualify, to the detriment of families and communities across the country.

While each of these individual concerns highlights a potential issue presented by the proposed rule, taken together they could result in profound changes in future legal immigration to the United States.

Appendices

Appendix A. Positive and Negative Factors under the Proposed Rule

Under the proposed rule, federal immigration officials would look at multiple factors to decide if someone was likely to become a public charge. To make this determination, officials would look at the "totality of circumstances," including recent or current benefit use, to decide if the person was likely to receive any of the specified public benefits in the future.

Specified Public Benefits

The following are the "specified public benefits" listed in the proposed rule:

- any federal, state, local, or tribal cash assistance for maintenance, including Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF);

- Supplemental Nutrition Assistance Program (SNAP, or food stamps);

- Section 8 vouchers or project-based rental assistance;

- Medicaid, subject to limited exceptions;

- any benefit provided for institutionalization for long-term care at government expense;

- premiums and cost-sharing subsidies for Medicare Part D; and

- federal public housing programs.

Minimum Factors to Consider

The proposed rule refers to "minimum factors to consider," seemingly raising the possibility that others could also be considered. The factors that must be considered as part of immigration decision-making include:[23]

- *Age:*
  - o It is a positive factor if the immigrant is between ages 18 and 61.

  - o It is a negative factor if the immigrant is under age 18 or over 61, unless he or she can demonstrate employment or sufficient household income or resources. The proposed rule also indicates that consideration will be given to how age affects the immigrant's ability to work.

- *Health:* whether the immigrant's health makes him or her more or less likely to become a public charge, including presence or absence of any medical condition that is likely to require extensive treatment or institutionalization or that will interfere with the immigrant's ability to care for him- or herself, attend school, or work.

- *Family size:* whether the immigrant's household size, relative to household assets and resources, makes him or her more or less likely to become a public charge.

- *Income, assets, and other financial resources:*
  - ○ It is a positive factor if the immigrant has an annual household income at or above 125 percent of the poverty line for the household size or has assets and resources five times the difference between the household income and 125 percent of the poverty line; not meeting this standard is a negative factor.

  - ○ It is a positive factor if the immigrant has sufficient household assets and resources to cover any reasonably foreseeable medical costs related to a medical condition that is likely to require extensive treatment or hospitalization, or that will interfere with the immigrant's ability to care for him- or herself, attend school, or work; not meeting this standard is a negative factor.

  - ○ It is a positive factor if the immigrant has not applied for, received, or been certified or approved to receive any of the specified public benefits on or after the effective date of the rule; not meeting this standard is a negative factor. Prior receipt of cash assistance for income maintenance or public support for long-term institutionalization will count even if received before the effective date of the rule.

  - ○ It is a positive factor if the immigrant has not applied for or received an immigration fee waiver on or after the effective date of the rule; not meeting this standard is a negative factor.

  - ○ It is a positive factor if the immigrant has good credit and a credit score; having bad credit and a low credit score is a negative factor.

  - ○ It is a positive factor if the immigrant has private health insurance or financial resources to pay for reasonably foreseeable medical costs related to a medical condition that is likely to require extensive treatment or institutionalization or that will interfere with his or her ability to care for him- or herself, attend school, or work; not meeting this standard is a negative factor.

  - ○ It is a negative factor if the immigrant has any financial liabilities or past receipt of the specified public benefits.[24]

- *Education and skills:*
  - ○ It is a positive factor if the immigrant has adequate education and skills to obtain or maintain employment sufficient to avoid becoming a public charge (i.e., accessing the specified public benefits); not meeting this standard, if authorized for employment, is a negative factor.[25]

    - ▪ It is a positive factor if the immigrant is sufficiently proficient in English or additional languages to enter the U.S. job market; not being familiar enough with the English language to enter the job market is a negative factor.[26]

    - ▪ It is a positive factor if the immigrant has a high school diploma or its equivalent or higher education. Lack of a high school diploma or higher education is a negative factor.

    - ▪ It is a positive factor if the immigrant has occupational skills, certifications, or licenses.

- It is a positive factor if the immigrant is able to obtain skilled or higher-paid labor.

- It is a negative factor if the immigrant has no employment history.

- Affidavit of support from a sponsor:
  - It is a positive factor if the sponsor's affidavit reflects having assets and resources at or above 125 percent of the federal poverty guidelines based on the sponsor's household size; lack of a required affidavit, or one not showing this level of assets or resources, is disqualifying.
  - It is a positive factor if the sponsor is deemed likely to provide financial support to the individual; if not likely, this would be a negative factor.

Heavily Weighed Factors

The proposed rule indicates that certain factors will be "heavily weighed" as either negative or positive. The rule emphasizes that no single factor (other than the lack of a required affidavit of support) will be determinative.

The rule's five heavily weighed negative factors are:

- The immigrant is not a full-time student and is authorized to work, but is unable to demonstrate current employment, recent employment history, or reasonable prospect of future employment.

- The immigrant is currently receiving or is currently certified or approved to receive one or more specified public benefit.

- The immigrant has received one or more of the specified public benefits within the prior 36 months.

- The immigrant has been diagnosed with a medical condition that is likely to require extensive medical treatment or institutionalization or that will interfere with the immigrant's ability to provide for him- or herself, attend school, or work; and the immigrant is uninsured and has neither the prospect of obtaining private health insurance nor the financial resources to pay for reasonably foreseeable medical costs related to the condition.

- The immigrant has previously been found inadmissible or deportable on the public-charge ground.

The rule's two heavily weighed positive factors are:

- The immigrant's household has financial assets, resources, and support of at least 250 percent of the federal poverty guidelines for a household of its size.

- The immigrant is authorized to work and is currently employed with an annual income of at least 250 percent of the federal poverty guidelines for a household of its size.

Appendix B. Breakdown of Factors to Be Considered in Public-Charge Determinations among Subgroups of Recent Legal Permanent Residents (LPRs)

Table B-1. Factors for Public-Charge Determinations among Recent LPRs, by Age Group, 2012–16

| | Total | | Age Group | | | | | |
| | | | Under 18 | | 18 to 61 | | 62 and Older | |
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Total	**2,051,000**	**100**	**402,000**	**100**	**1,406,000**	**100**	**243,000**	**100**
No negative factors	**626,000**	**31**	**188,000**	**47**	**431,000**	**31**	**7,000**	**3**
One negative factor	549,000	27	34,000	8	455,000	32	61,000	25
Two negative factors	524,000	26	139,000	34	316,000	22	69,000	29
Three negative factors	263,000	13	41,000	10	159,000	11	64,000	26
Four negative factors	68,000	3	1,000	0	46,000	3	21,000	8
All five negative factors	**21,000**	**1**	**0**	**0**	**0**	**0**	**21,000**	**9**
Family income as a share of the federal poverty level (FPL)								
Heavily weighed positive								
At least 250% FPL	805,000	39	108,000	27	569,000	40	129,000	53
Positive								
125% to 249% FPL	568,000	28	115,000	29	399,000	28	55,000	23
Negative								
Less than 125% FPL	677,000	33	179,000	45	439,000	31	59,000	24
Age								
Positive	**1,812,000**	**88**	**222,000**	**55**	**1,406,000**	**100**	**184,000**	**76**
18 to 61	1,406,000	69	N/A	N/A	1,406,000	100	N/A	N/A
Under 18 and at least 125% FPL	222,000	11	222,000	55	N/A	N/A	N/A	N/A
Over 61 and at least 125% FPL	184,000	9	N/A	N/A	N/A	N/A	184,000	76
Negative	**239,000**	**12**	**179,000**	**45**	**N/A**	**N/A**	**59,000**	**24**
Under 18 and under 125% FPL	179,000	9	179,000	45	N/A	N/A	N/A	N/A
Over 61 and under 125% FPL	59,000	3	N/A	N/A	N/A	N/A	59,000	24
English proficiency								
Population ages 5 and older	**1,962,000**	**100**	**312,000**	**100**	**1,406,000**	**100**	**243,000**	**100**
Positive	**1,188,000**	**61**	**239,000**	**77**	**855,000**	**61**	**94,000**	**39**
Speak only English	259,000	13	38,000	12	180,000	13	41,000	17
Bilingual	503,000	26	116,000	37	362,000	26	25,000	10
Speak English "well"	426,000	22	85,000	27	314,000	22	27,000	11
Negative	**773,000**	**39**	**73,000**	**23**	**551,000**	**39**	**149,000**	**61**
Speak English "not well"/"not at all"	773,000	39	73,000	23	551,000	39%	149,000	61

Table B-1. Factors for Public-Charge Determinations among Recent LPRs, by Age Group, 2012–16 (cont.)

| | Total | | Age Group | | | | | |
| | | | Under 18 | | 18 to 61 | | 62 and Older | |
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Educational attainment								
Population ages 25 and older	**1,370,000**	**100**	**N/A**	**N/A**	**1,127,000**	**100**	**243,000**	**100**
Positive	**1,033,000**	**75**	**N/A**	**N/A**	**882,000**	**78**	**151,000**	**62**
High school diploma or GED	317,000	23	N/A	N/A	263,000	23	54,000	22
Some college or associate's degree	243,000	18	N/A	N/A	209,000	19	34,000	14
Bachelor's degree	306,000	22	N/A	N/A	264,000	23	42,000	17
Graduate or professional degree	166,000	12	N/A	N/A	146,000	13	20,000	8
Negative	**337,000**	**25**	**N/A**	**N/A**	**245,000**	**22**	**92,000**	**38**
No high school diploma	337,000	25	N/A	N/A	245,000	22	92,000	38
Employment								
Population ages 16 and older	**1,707,000**	**100**	**58,000**	**100**	**1,406,000**	**100**	**243,000**	**100**
Positive	**971,000**	**57**	**54,000**	**93**	**894,000**	**64**	**23,000**	**9**
Employed	803,000	47	5,000	9	776,000	55	22,000	9
Not employed but in school	167,000	10	49,000	84	118,000	8	1,000	0
Negative	**737,000**	**43**	**4,000**	**7**	**512,000**	**36**	**220,000**	**91**
Not employed and not in school	737,000	43	4,000	7	512,000	36	220,000	91
Share female	512,000	70	2,000	50	372,000	73	139,000	63

Notes: Recent legal permanent residents (LPRs) are those who, at the time the ACS data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. Bilingual LPRs spoke a language other than English and spoke English very well.
Source: MPI analysis of pooled 2012–16 ACS data and 2008 Survey of Income and Program Participation (SIPP) data, drawing on a methodology developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

Gauging the Impact of DHS' Proposed Public-Charge Rule on U.S. Immigration

Table B-2. Factors for Public-Charge Determinations among Recent LPRs, by Income Level, 2012–16

| | Total | | Income Group | | | | | |
| | | | Less than 125% FPL | | 125% to 249% FPL | | At least 250% FPL | |
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Total	**2,051,000**	**100**	**677,000**	**100**	**568,000**	**100**	**805,000**	**100**
No negative factors	**626,000**	**31**	**0**	**0**	**238,000**	**42**	**388,000**	**48**
One negative factor	549,000	27	128,000	19	173,000	30	247,000	31
Two negative factors	524,000	26	286,000	42	110,000	19	128,000	16
Three negative factors	263,000	13	174,000	26	47,000	8	42,000	5
Four negative factors	68,000	3	68,000	10	0	0	0	0
All five negative factors	**21,000**	**1**	**21,000**	**3**	**0**	**0**	**0**	**0**
Family income as a share of the federal poverty level (FPL)								
Heavily weighed positive								
At least 250% FPL	805,000	39	N/A	N/A	N/A	N/A	805,000	100
Positive								
125% to 249% FPL	568,000	28	N/A	N/A	568,000	100	N/A	N/A
Negative								
Less than 125% FPL	677,000	33	677,000	100	N/A	N/A	N/A	N/A
Age								
Positive	**1,812,000**	**88**	**439,000**	**65**	**568,000**	**100**	**805,000**	**100**
18 to 61	1,406,000	69	439,000	65	399,000	70	569,000	71
Under 18 and at least 125% FPL	222,000	11	N/A	N/A	115,000	20	108,000	13
Over 61 and at least 125% FPL	184,000	9	N/A	N/A	55,000	10	129,000	16
Negative	**239,000**	**12**	**239,000**	**35**	**N/A**	**N/A**	**N/A**	**N/A**
Under 18 and under 125% FPL	179,000	9	179,000	26	N/A	N/A	N/A	N/A
Over 61 and under 125% FPL	59,000	3	59,000	9	N/A	N/A	N/A	N/A
English proficiency								
Population ages 5 and older	**1,962,000**	**100**	**639,000**	**100**	**546,000**	**100**	**777,000**	**100**
Positive	**1,188,000**	**61**	**349,000**	**55**	**303,000**	**55**	**536,000**	**69**
Speak only English	259,000	13	69,000	11	58,000	11	133,000	17
Bilingual	503,000	26	142,000	22	125,000	23	236,000	30
Speak English "well"	426,000	22	138,000	22	120,000	22	167,000	22
Negative	**773,000**	**39**	**290,000**	**45**	**243,000**	**45**	**241,000**	**31**
Speak English "not well"/"not at all"	773,000	39	290,000	45	243,000	45	241,000	31

Table B-2. Factors for Public-Charge Determinations among Recent LPRs, by Income Level, 2012–16 (cont.)

	Total		Income Group					
			Less than 125% FPL		125% to 249% FPL		At least 250% FPL	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Educational attainment								
Population ages 25 and older	**1,370,000**	**100**	**380,000**	**100**	**368,000**	**100**	**622,000**	**100**
Positive	**1,033,000**	**75**	**251,000**	**66**	**256,000**	**70**	**527,000**	**85**
High school diploma or GED	317,000	23	95,000	25	97,000	26	126,000	20
Some college or associate's degree	243,000	18	60,000	16	68,000	18	115,000	19
Bachelor's degree	306,000	22	64,000	17	63,000	17	179,000	29
Graduate or professional degree	166,000	12	31,000	8	28,000	8	107,000	17
Negative	**337,000**	**25**	**130,000**	**34**	**112,000**	**30**	**95,000**	**15**
No high school diploma	337,000	25	130,000	34	112,000	30	95,000	15
Employment								
Population ages 16 and older	**1,707,000**	**100**	**525,000**	**100**	**472,000**	**100**	**711,000**	**100**
Positive	**971,000**	**57**	**260,000**	**50**	**294,000**	**62**	**417,000**	**59**
Employed	803,000	47	178,000	34	250,000	53	375,000	53
Not employed but in school	167,000	10	82,000	16	44,000	9	42,000	6
Negative	**737,000**	**43**	**265,000**	**44**	**178,000**	**32**	**294,000**	**37**
Not employed and not in school	737,000	43	265,000	44	178,000	32	294,000	37
Share female	512,000	72	171,000	65	130,000	73	211,000	72

Notes: Recent legal permanent residents (LPRs) are those who, at the time the ACS data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. Bilingual LPRs spoke a language other than English and spoke English very well.
Source: MPI analysis of pooled 2012–16 ACS data and 2008 SIPP data, drawing on a methodology developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

Gauging the Impact of DHS' Proposed Public-Charge Rule on U.S. Immigration

Table B-3. Factors for Public-Charge Determinations among Recent LPRs, by Region of Birth, 2012–16

	Mexico and Central America		Caribbean		South America		Europe, Canada, Oceania		Asia		Africa	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Total	**381,000**	**100**	**255,000**	**100**	**153,000**	**100**	**305,000**	**100**	**809,000**	**100**	**148,000**	**100**
No negative factors	**72,000**	**19**	**72,000**	**28**	**49,000**	**32**	**127,000**	**41**	**247,000**	**31**	**60,000**	**41**
One negative factor	82,000	22	62,000	24	42,000	28	95,000	31	230,000	28	38,000	25
Two negative factors	119,000	31	73,000	29	40,000	26	54,000	18	203,000	25	35,000	23
Three negative factors	81,000	21	35,000	14	17,000	11	21,000	7	96,000	12	12,000	8
Four negative factors	21,000	6	9,000	3	4,000	2	6,000	2	25,000	3	3,000	2
All five negative factors	**6,000**	**2**	**4,000**	**2**	**1,000**	**1**	**2,000**	**1**	**8,000**	**1**	**1,000**	**0**
Family income as a share of the federal poverty level (FPL)												
Heavily weighed positive												
At least 250% FPL	88,000	23	71,000	28	64,000	42	168,000	55	366,000	45	48,000	33
Positive												
125% to 249% FPL	136,000	36	84,000	33	45,000	29	59,000	19	199,000	25	45,000	30
Negative												
Less than 125% FPL	156,000	41	100,000	39	44,000	29	78,000	26	243,000	30	55,000	37
Age												
Positive	**323,000**	**85**	**214,000**	**84**	**138,000**	**91**	**276,000**	**90**	**733,000**	**91**	**128,000**	**86**
18 to 61	255,000	67	169,000	66	108,000	71	209,000	68	562,000	69	104,000	70
Under 18 and at least 125% FPL	49,000	13	32,000	12	18,000	12	27,000	9	80,000	10	17,000	11
Over 61 and at least 125% FPL	19,000	5	14,000	5	13,000	8	40,000	13	91,000	11	7,000	5
Negative	**58,000**	**15**	**41,000**	**16**	**15,000**	**9**	**29,000**	**10**	**76,000**	**9**	**20,000**	**14**
Under 18 and under 125% FPL	50,000	13	33,000	13	10,000	7	13,000	4	55,000	7	18,000	12
Over 61 and under 125% FPL	8,000	2	7,000	3	4,000	3	16,000	5	22,000	3	2,000	1
English proficiency												
Population ages 5 and older	**353,000**	**100**	**246,000**	**100**	**147,000**	**100**	**295,000**	**100**	**780,000**	**100**	**140,000**	**100**
Positive	**125,000**	**35**	**141,000**	**57**	**84,000**	**57**	**244,000**	**83**	**481,000**	**62**	**113,000**	**81**
Speak only English	10,000	3	60,000	24	13,000	9	108,000	37	45,000	6	23,000	16
Bilingual	56,000	16	42,000	17	37,000	25	89,000	30	222,000	28	57,000	41
Speak English "well"	59,000	17	39,000	16	34,000	23	47,000	16	214,000	27	33,000	24
Negative	**228,000**	**65**	**105,000**	**43**	**63,000**	**43**	**51,000**	**17**	**299,000**	**38**	**27,000**	**19**
Speak English "not well"/"not at all"	228,000	65	105,000	43	63,000	43	51,000	17	299,000	38	27,000	19

Table B-3. Factors for Public-Charge Determinations among Recent LPRs, by Region of Birth, 2012–16 (cont.)

	Mexico and Central America		Caribbean		South America		Europe, Canada, Oceania		Asia		Africa	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Educational attainment												
Population ages 25 and older	217,000	100	149,000	100	107,000	100	231,000	100	571,000	100	95,000	100
Positive	98,000	45	102,000	68	89,000	83	209,000	91	455,000	80	80,000	84
High school diploma or GED	52,000	24	48,000	32	28,000	26	51,000	22	116,000	20	22,000	23
Some college or associate's degree	24,000	11	32,000	22	22,000	20	49,000	21	91,000	16	25,000	27
Bachelor's degree	17,000	8	16,000	11	27,000	25	59,000	26	165,000	29	23,000	24
Graduate or professional degree	5,000	2	6,000	4	13,000	12	50,000	22	83,000	15	9,000	10
Negative	119,000	55	47,000	32	18,000	17	22,000	9	116,000	20	15,000	16
No high school diploma	119,000	55	47,000	32	18,000	17	22,000	9	116,000	20	15,000	16
Employment												
Population ages 16 and older	294,000	100	202,000	100	129,000	100	270,000	100	694,000	100	118,000	100
Positive	179,000	61	126,000	62	74,000	57	149,000	55	367,000	53	76,000	64
Employed	159,000	54	102,000	51	62,000	48	128,000	47	289,000	42	62,000	53
Not employed but in school	20,000	7	23,000	12	12,000	10	21,000	8	78,000	11	13,000	11
Negative	115,000	34	76,000	28	55,000	37	122,000	41	327,000	42	42,000	28
Not employed and not in school	115,000	34	76,000	28	55,000	37	122,000	41	327,000	42	42,000	28
Share female	84,000	73	50,000	65	41,000	75	78,000	64	229,000	70	29,000	70

Notes: Recent legal permanent residents (LPRs) are those who, at the time the ACS data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. Bilingual LPRs spoke a language other than English and spoke English very well.
Source: MPI analysis of pooled 2012–16 ACS data and 2008 SIPP data, drawing on a methodology developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

Gauging the Impact of DHS' Proposed Public-Charge Rule on U.S. Immigration

Table B-4. Factors for Public-Charge Determinations among Recent LPRs, by Country of Birth, 2012–16

	Mexico		China/Hong Kong		India		Philippines		Dominican Republic		Vietnam	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Total	**263,000**	**100**	**182,000**	**100**	**136,000**	**100**	**130,000**	**100**	**123,000**	**100**	**74,000**	**100**
No negative factors	**49,000**	**19**	**36,000**	**20**	**48,000**	**36**	**62,000**	**48**	**24,000**	**20**	**16,000**	**22**
One negative factor	55,000	21	43,000	23	47,000	35	42,000	32	29,000	24	19,000	26
Two negative factors	83,000	31	62,000	34	24,000	18	18,000	14	39,000	32	22,000	29
Three negative factors	57,000	22	32,000	17	13,000	10	6,000	5	22,000	18	12,000	17
Four negative factors	15,000	6	8,000	4	2,000	2	1,000	1	5,000	4	4,000	5
All five negative factors	**5,000**	**2**	**3,000**	**2**	**1,000**	**1**	**<500**	**0**	**2,000**	**2**	**1,000**	**1**
Family income as a share of the federal poverty level (FPL)												
Heavily weighed positive												
At least 250% FPL	61,000	23	75,000	41	84,000	61	77,000	59	28,000	23	26,000	35
Positive												
125% to 249% FPL	93,000	35	44,000	24	28,000	20	33,000	25	41,000	33	25,000	34
Negative												
Less than 125% FPL	109,000	41	63,000	35	25,000	18	20,000	16	53,000	43	23,000	31
Age												
Positive	**224,000**	**85**	**165,000**	**90**	**130,000**	**95**	**123,000**	**94**	**100,000**	**81**	**67,000**	**91**
18 to 61	177,000	67	122,000	67	97,000	71	86,000	67	80,000	65	56,000	75
Under 18 and at least 125% FPL	32,000	12	14,000	8	11,000	8	18,000	14	16,000	13	8,000	10
Over 61 and at least 125% FPL	15,000	6	29,000	16	22,000	16	18,000	14	5,000	4	4,000	5
Negative	**39,000**	**15**	**18,000**	**10**	**6,000**	**5**	**7,000**	**6**	**23,000**	**19**	**7,000**	**9**
Under 18 and under 125% FPL	32,000	12	10,000	6	4,000	3	5,000	4	19,000	16	5,000	6
Over 61 and under 125% FPL	7,000	3	7,000	4	3,000	2	2,000	2	4,000	3	2,000	3
English proficiency												
Population ages 5 and older	**244,000**	**100**	**178,000**	**100**	**132,000**	**100**	**127,000**	**100**	**119,000**	**100**	**72,000**	**100**
Positive	**87,000**	**36**	**72,000**	**41**	**99,000**	**75**	**108,000**	**85**	**46,000**	**39**	**27,000**	**38**
Speak only English	7,000	3	7,000	4	8,000	6	9,000	7	3,000	3	3,000	4
Bilingual	39,000	16	26,000	14	56,000	42	54,000	43	21,000	18	9,000	13
Speak English "well"	41,000	17	40,000	22	35,000	27	44,000	35	21,000	18	15,000	21
Negative	**157,000**	**64**	**106,000**	**59**	**33,000**	**25**	**19,000**	**15**	**73,000**	**61**	**45,000**	**62**
Speak English "not well"/"not at all"	157,000	64	106,000	59	33,000	25	19,000	15	73,000	61	45,000	62

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Table B-4. Factors for Public-Charge Determinations among Recent LPRs, by Country of Birth, 2012–16 (cont.)

	Mexico		China/Hong Kong		India		Philippines		Dominican Republic		Vietnam	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Educational attainment												
Population ages 25 and older	158,000	100	135,000	100	109,000	100	91,000	100	68,000	100	51,000	100
Positive	71,000	45	100,000	74	90,000	82	81,000	89	42,000	63	31,000	61
High school diploma or GED	37,000	24	32,000	24	15,000	13	16,000	18	19,000	28	16,000	31
Some college or associate's degree	17,000	11	20,000	15	10,000	9	24,000	26	13,000	19	8,000	15
Bachelor's degree	13,000	8	31,000	23	37,000	34	36,000	40	8,000	12	6,000	11
Graduate or professional degree	4,000	2	18,000	13	28,000	26	5,000	5	3,000	4	2,000	4
Negative	87,000	55	35,000	26	19,000	18	10,000	11	25,000	37	20,000	39
No high school diploma	87,000	55	35,000	26	19,000	18	10,000	11	25,000	37	20,000	39
Employment												
Population ages 16 and older	206,000	100	163,000	100	123,000	100	111,000	100	94,000	100	65,000	100
Positive	121,000	59	79,000	48	58,000	47	65,000	58	59,000	63	40,000	62
Employed	109,000	53	57,000	35	51,000	42	57,000	52	50,000	53	31,000	48
Not employed but in school	12,000	6	22,000	13	6,000	5	7,000	6	9,000	10	9,000	14
Negative	84,000	37	84,000	48	65,000	48	46,000	35	35,000	28	25,000	32
Not employed and not in school	84,000	37	84,000	48	65,000	48	46,000	35	35,000	28	25,000	32
Share female	62,000	73	54,000	64	47,000	73	33,000	72	23,000	67	17,000	70

Table B-4. Factors for Public-Charge Determinations among Recent LPRs, by Country of Birth, 2012–16 (cont.)

	Canada		Haiti		Jamaica		El Salvador		Colombia		Korea	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Total	**73,000**	**100**	**65,000**	**100**	**46,000**	**100**	**43,000**	**100**	**42,000**	**100**	**41,000**	**100**
No negative factors	**26,000**	**35**	**17,000**	**26**	**22,000**	**48**	**9,000**	**21**	**12,000**	**29**	**14,000**	**36**
One negative factor	29,000	39	14,000	22	13,000	28	11,000	25	11,000	25	12,000	28
Two negative factors	10,000	14	19,000	29	9,000	20	13,000	29	12,000	28	10,000	24
Three negative factors	7,000	9	10,000	16	1,000	3	8,000	19	6,000	14	4,000	9
Four negative factors	2,000	2	3,000	4	<500	1	2,000	4	1,000	3	1,000	2
All five negative factors	**<500**	**1**	**1,000**	**2**	**<500**	**0**	**<500**	**1**	**1,000**	**1**	**<500**	**1**
Family income as a share of the federal poverty level (FPL)												
Heavily weighed positive												
At least 250% FPL	43,000	58	15,000	23	19,000	40	11,000	25	17,000	41	18,000	44
Positive												
125% to 249% FPL	11,000	16	23,000	36	15,000	32	16,000	38	13,000	31	10,000	25
Negative												
Less than 125% FPL	19,000	26	26,000	41	13,000	28	16,000	37	12,000	29	12,000	31
Age												
Positive	**64,000**	**87**	**55,000**	**84**	**42,000**	**90**	**36,000**	**85**	**38,000**	**90**	**37,000**	**90**
18 to 61	40,000	54	43,000	66	33,000	71	27,000	63	29,000	69	28,000	69
Under 18 and at least 125% FPL	6,000	8	8,000	12	6,000	13	7,000	17	5,000	12	6,000	15
Over 61 and at least 125% FPL	18,000	25	5,000	7	3,000	6	2,000	4	4,000	10	3,000	7
Negative	**9,000**	**13**	**10,000**	**16**	**5,000**	**10**	**6,000**	**15**	**4,000**	**10**	**4,000**	**10**
Under 18 and under 125% FPL	2,000	2	8,000	12	3,000	7	6,000	14	3,000	7	3,000	7
Over 61 and under 125% FPL	8,000	11	2,000	3	1,000	2	1,000	1	1,000	3	1,000	3
English proficiency												
Population ages 5 and older	**71,000**	**100**	**63,000**	**100**	**45,000**	**100**	**40,000**	**100**	**41,000**	**100**	**39,000**	**100**
Positive	**68,000**	**96**	**32,000**	**52**	**44,000**	**99**	**14,000**	**35**	**20,000**	**48**	**24,000**	**63**
Speak only English	53,000	74	3,000	4	39,000	88	1,000	3	1,000	4	3,000	9
Bilingual	12,000	18	14,000	22	4,000	9	6,000	15	9,000	22	9,000	23
Speak English "well"	3,000	4	16,000	25	1,000	2	7,000	17	9,000	22	12,000	31
Negative	**3,000**	**4**	**30,000**	**48**	**<500**	**1**	**26,000**	**65**	**21,000**	**52**	**14,000**	**37**
Speak English "not well"/"not at all"	3,000	4	30,000	48	<500	1	26,000	65	21,000	52	14,000	37

Table B-4. Factors for Public-Charge Determinations among Recent LPRs, by Country of Birth, 2012–16 (cont.)

	Canada		Haiti		Jamaica		El Salvador		Colombia		Korea	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Educational attainment												
Population ages 25 and older	59,000	100	40,000	100	29,000	100	21,000	100	30,000	100	26,000	100
Positive	53,000	90	27,000	67	23,000	79	10,000	48	24,000	79	24,000	92
High school diploma or GED	13,000	22	14,000	35	11,000	38	5,000	25	8,000	28	5,000	18
Some college or associate's degree	15,000	26	9,000	22	7,000	23	3,000	12	5,000	18	4,000	15
Bachelor's degree	15,000	25	3,000	7	3,000	12	2,000	9	7,000	23	10,000	39
Graduate or professional degree	10,000	17	1,000	3	1,000	5	<500	2	3,000	10	5,000	21
Negative	6,000	10	13,000	33	6,000	21	11,000	52	6,000	21	2,000	8
No high school diploma	6,000	10	13,000	33	6,000	21	11,000	52	6,000	21	2,000	8
Employment												
Population ages 16 and older	67,000	100	52,000	100	39,000	100	32,000	100	36,000	100	33,000	100
Positive	26,000	39	31,000	60	25,000	65	21,000	66	20,000	56	19,000	57
Employed	21,000	32	24,000	46	21,000	53	18,000	55	17,000	47	12,000	37
Not employed but in school	5,000	7	7,000	13	5,000	12	4,000	11	3,000	9	7,000	20
Negative	40,000	59	21,000	31	14,000	24	11,000	28	15,000	38	14,000	40
Not employed and not in school	40,000	59	21,000	31	14,000	24	11,000	28	15,000	38	14,000	40
Share female	23,000	57	14,000	67	8,000	61	8,000	73	12,000	80	11,000	75

Table B-4. Factors for Public-Charge Determinations among Recent LPRs, by Country of Birth, 2012–16 (cont.)

	Guatemala		Nigeria		Bangladesh		United Kingdom		Pakistan		Brazil	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Total	**33,000**	**100**	**31,000**	**100**	**31,000**	**100**	**30,000**	**100**	**30,000**	**100**	**28,000**	**100**
No negative factors	**5,000**	**16**	**13,000**	**42**	**8,000**	**26**	**17,000**	**56**	**8,000**	**25**	**11,000**	**39**
One negative factor	7,000	22	9,000	30	7,000	23	9,000	30	8,000	27	9,000	32
Two negative factors	11,000	33	7,000	22	9,000	29	3,000	9	9,000	29	6,000	21
Three negative factors	8,000	24	2,000	5	5,000	16	1,000	4	3,000	11	2,000	6
Four negative factors	2,000	5	<500	1	2,000	6	<500	1	2,000	5	<500	2
All five negative factors	**<500**	**0**	**<500**	**1**	**<500**	**1**	**<500**	**0**	**1,000**	**2**	**<500**	**0**
Family income as a share of the federal poverty level (FPL)												
Heavily weighed positive												
At least 250% FPL	7,000	21	12,000	39	8,000	27	20,000	67	9,000	32	14,000	51
Positive												
125% to 249% FPL	12,000	36	8,000	27	8,000	27	4,000	14	8,000	26	7,000	24
Negative												
Less than 125% FPL	14,000	43	11,000	34	14,000	46	6,000	19	13,000	42	7,000	25
Age												
Positive	**28,000**	**86**	**27,000**	**87**	**26,000**	**85**	**28,000**	**93**	**25,000**	**84**	**26,000**	**95**
18 to 61	24,000	72	22,000	70	21,000	70	22,000	72	20,000	67	22,000	79
Under 18 and at least 125% FPL	4,000	11	3,000	9	3,000	8	3,000	10	3,000	9	3,000	12
Over 61 and at least 125% FPL	1,000	2	3,000	9	2,000	6	3,000	11	2,000	8	1,000	4
Negative	**5,000**	**14**	**4,000**	**13**	**5,000**	**15**	**2,000**	**7**	**5,000**	**16**	**1,000**	**5**
Under 18 and under 125% FPL	4,000	14	3,000	10	4,000	12	1,000	2	4,000	12	1,000	4
Over 61 and under 125% FPL	<500	1	1,000	2	1,000	3	1,000	5	1,000	4	<500	1
English proficiency												
Population ages 5 and older	**31,000**	**100**	**30,000**	**100**	**29,000**	**100**	**29,000**	**100**	**29,000**	**100**	**27,000**	**100**
Positive	**9,000**	**28**	**27,000**	**92**	**17,000**	**59**	**29,000**	**99**	**20,000**	**68**	**18,000**	**69**
Speak only English	1,000	3	7,000	22	1,000	3	25,000	87	1,000	3	2,000	6
Bilingual	3,000	11	16,000	53	7,000	25	3,000	10	11,000	39	9,000	34
Speak English "well"	5,000	15	5,000	17	9,000	31	<500	2	8,000	27	8,000	29
Negative	**22,000**	**72**	**2,000**	**8**	**12,000**	**41**	**<500**	**1**	**9,000**	**32**	**8,000**	**31**
Speak English "not well"/"not at all"	22,000	72	2,000	8	12,000	41	<500	1	9,000	32	8,000	31

Table B-4. Factors for Public-Charge Determinations among Recent LPRs, by Country of Birth, 2012–16 (cont.)

	Guatemala		Nigeria		Bangladesh		United Kingdom		Pakistan		Brazil	
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)
Educational attainment												
Population ages 25 and older	16,000	100	23,000	100	20,000	100	24,000	100	20,000	100	21,000	100
Positive	5,000	34	21,000	90	15,000	73	23,000	96	14,000	73	19,000	92
High school diploma or GED	3,000	18	4,000	18	5,000	24	5,000	22	4,000	18	5,000	24
Some college or associate's degree	2,000	10	6,000	24	3,000	13	6,000	25	3,000	13	4,000	20
Bachelor's degree	1,000	4	8,000	33	4,000	20	7,000	28	5,000	23	7,000	32
Graduate or professional degree	<500	1	3,000	15	3,000	16	5,000	20	4,000	18	3,000	16
Negative	11,000	66	2,000	10	5,000	27	1,000	4	5,000	27	2,000	8
No high school diploma	11,000	66	2,000	10	5,000	27	1,000	4	5,000	27	2,000	8
Employment												
Population ages 16 and older	26,000	100	26,000	100	25,000	100	27,000	100	24,000	100	24,000	100
Positive	18,000	70	15,000	59	13,000	52	17,000	62	11,000	47	15,000	61
Employed	17,000	63	13,000	49	11,000	44	15,000	56	9,000	38	12,000	50
Not employed but in school	2,000	7	3,000	10	2,000	8	2,000	6	2,000	9	3,000	11
Negative	8,000	24	11,000	33	12,000	44	10,000	35	13,000	48	9,000	35
Not employed and not in school	8,000	24	11,000	33	12,000	44	10,000	35	13,000	48	9,000	35
Share female	5,000	68	7,000	67	9,000	76	5,000	54	10,000	78	8,000	80

Notes: Recent legal permanent residents (LPRs) are those who, at the time the ACS data were collected, had been in the United States for fewer than five years and were not refugees or other humanitarian admissions. The 18 countries in this table are the top countries of birth for recent LPRs. Bilingual LPRs spoke a language other than English and spoke English very well.
Source: MPI analysis of pooled 2012–16 ACS data and 2008 SIPP data, drawing on a methodology developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

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Table B-5. Factors for Public-Charge Determinations among Recent LPRs (ages 16 to 64), by Employment Status, 2012–16

	Employed		Employed Full Time	
	Number	**Percent (%)**	**Number**	**Percent (%)**
Total	**790,000**	**100**	**598,000**	**100**
No negative factors	**387,000**	**49**	**306,000**	**51**
One negative factor	242,000	31	175,000	29
Two negative factors	126,000	16	92,000	15
Three negative factors	36,000	4	24,000	4
Four negative factors	1,000	0	<500	0
All five negative factors	**<500**	**0**	**<500**	**0**
Family income as a share of the federal poverty level (FPL)				
Heavily weighed positive				
At least 250% FPL	368,000	47	304,000	51
Positive				
125% to 249% FPL	246,000	31	184,000	31
Negative				
Less than 125% FPL	176,000	22	110,000	18
Age				
Positive	**787,000**	**100**	**597,000**	**100**
18 to 61	776,000	98	591,000	99
Under 18 and at least 125% FPL	3,000	0	1,000	0
Over 61 and at least 125% FPL	8,000	1	5,000	1
Negative	**3,000**	**0**	**1,000**	**0**
Under 18 and under 125% FPL	2,000	0	<500	0
Over 61 and under 125% FPL	2,000	0	1,000	0
English proficiency				
Population ages 5 and older	**790,000**	**100**	**598,000**	**100**
Positive	**502,000**	**64**	**380,000**	**63**
Speak only English	107,000	14	83,000	14
Bilingual	218,000	28	166,000	28
Speak English "well"	178,000	22	130,000	22
Negative	**289,000**	**36**	**219,000**	**37**
Speak English "not well"/"not at all"	289,000	36	219,000	37
Educational attainment				
Population ages 25 and older	**653,000**	**100**	**512,000**	**100**
Positive	**520,000**	**80**	**408,000**	**80**
High school diploma or GED	152,000	23	119,000	23
Some college or associate's degree	126,000	19	93,000	18
Bachelor's degree	152,000	23	120,000	24
Graduate or professional degree	90,000	14	76,000	15
Negative	**134,000**	**20**	**104,000**	**20**
No high school diploma	134,000	20	104,000	20

Table B-5. Factors for Public-Charge Determinations among Recent LPRs (ages 16 to 64), by Employment Status, 2012–16 (cont.)

	Employed		Employed Full Time	
	Number	**Percent (%)**	**Number**	**Percent (%)**
Employment				
Population ages 16 and older	**790,000**	**100**	**598,000**	**100**
Positive	**790,000**	**100**	**598,000**	**100**
Employed	790,000	100	598,000	100
Not employed but in school	N/A	N/A	N/A	N/A
Negative	**N/A**	**N/A**	**N/A**	**N/A**
Not employed and not in school	N/A	N/A	N/A	N/A
Share female	N/A	N/A	N/A	N/A

Notes: Recent LPRs are those who, at the time the ACS data were collected, had been in the United States less than five years and were not refugees or other humanitarian admissions. Full-time employment refers to working at least 35 hours per week. Bilingual LPRs spoke a language other than English and spoke English very well.
Source: MPI analysis of pooled 2012–16 ACS data and 2008 SIPP data, drawing on a methodology developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

Table B-6. Negative Factors for Public-Charge Determinations among Employed Recent LPRs (ages 16 to 64), by Industry of Employment, 2012–16

Industry	Employed Recent LPRs	Share with No Negative Factors (%)	Share with at Least One Negative Factor (%)
Total	**790,000**	**49**	**51**
Agriculture, forestry, fishing, and hunting	19,000	13	87
Construction	60,000	25	75
Manufacturing	77,000	42	58
Wholesale trade	18,000	50	50
Retail trade	96,000	52	48
Transportation and warehousing	30,000	51	49
Information and communications	12,000	80	20
Finance, insurance, real estate, and rental and leasing	32,000	74	26
Professional, scientific, management, administrative, and waste management services	93,000	57	43
Educational services	36,000	72	28
Heath services and social assistance	99,000	62	38
Accommodation and food services; arts, entertainment, and recreation	143,000	39	61
Other services (except public administration)	55,000	34	66
Public administration	14,000	76	24
Military	3,000	52	48

Notes: Recent legal permanent residents (LPRs) are those who, at the time the ACS data were collected, had been in the United States less than five years and were not refugees or other humanitarian admissions. Estimates for the mining and utilities industry are not displayed due to small sample sizes.
Source: MPI analysis of pooled 2012–16 ACS data and 2008 SIPP data, drawing on a methodology developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

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Endnotes

1   For previous research from the Migration Policy Institute (MPI) discussing the possible chilling effects of a new public-charge rule, see Jeanne Batalova, Michael Fix, and Mark Greenberg, *Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use* (Washington, DC: MPI, 2018), www.migrationpolicy.org/research/chilling-effects-expected-public-charge-rule-impact-legal-immigrant-families.

2   U.S. Immigration and Naturalization Service, "Inadmissibility and Deportability on Public Charge Grounds," *Federal Register* 64, no. 101 (1999): 28676–88, www.gpo.gov/fdsys/pkg/FR-1999-05-26/pdf/99-13188.pdf.

3   Under the 1999 guidelines, the standards for applying public charge for deportation have been narrower than those for acquiring a green card. For deportation, an immigration officer must find that within five years of entering the country, the immigrant has become primarily dependent on cash assistance or long-term institutionalization for reasons other than ones arising after entering the country (e.g., a pre-existing disability). In addition, the immigrant must have a legal debt for the benefits received, and the government must have failed to collect the debt despite making efforts to do so.

4   The proposed rule was issued by U.S. Citizenship and Immigration Services (USCIS), an agency within the U.S. Department of Homeland Security (DHS). Public-charge determinations for those seeking admission to the United States from abroad are made by the Department of State (DOS), and as a technical matter, the rule would not mandate that DOS follow its provisions. However, it is highly likely that DOS will conform to the USCIS standards, so this analysis treats admissions to the country as also covered by the rule. Some changes in consular processing of green cards have already been implemented: in January 2018, DOS changed the instructions to consular officers in its *Foreign Affairs Manual*. Before these changes, an affidavit of support from a sponsor was sufficient to determine that a visa applicant was not likely to become a public charge. After the changes, the affidavit of support became just one of several factors. Even with an affidavit of support in the file, officers must now examine past or current receipt of public benefits and the applicant's age, health, family status, assets, resources, financial status, education, and skills.

5   DHS, "Table 6. Persons Obtaining Lawful Permanent Resident Status by Type and Major Class of Admission: Fiscal Years 2015 to 2017," in *2017 Yearbook of Immigrant Statistics* (Washington, DC: DHS, 2018), www.dhs.gov/immigration-statistics/yearbook/2017/table6.

6   Bryan Baker, *Nonimmigrants Residing in the United States: Fiscal Year 2016* (Washington, DC: DHS Office of Immigration Statistics, 2018), www.dhs.gov/sites/default/files/publications/Nonimmigrant_Population%20Estimates_2016_0.pdf.

7   DHS, "Table 7, Persons Obtaining Lawful Permanent Resident Status by Type and Detailed Class of Admission: Fiscal Year 2017," in *Yearbook of Immigration Statistics FY 2017* (Washington, DC: DHS, 2018), www.dhs.gov/immigration-statistics/yearbook/2017/table7.

8   Standards for public-charge determinations in the context of deportation may be in flux. In a set of questions and answers, DHS noted that criteria for deportation are up to the U.S. Department of Justice (DOJ) and that DOJ intends to initiate parallel rulemaking to modify its standards to the extent appropriate. DOJ has not yet stated its intent or timeframe for doing this. DHS, "Q and A" (unposted document, September 22, 2018).

9   The other very limited circumstances in which the rule could apply to a green-card holder are listed in footnote 176 of the preamble to the proposed rule. See DHS, "Inadmissibility on Public Charge Grounds," *Federal Register* 83, no. 196 (October 10, 2018): 51135, www.gpo.gov/fdsys/pkg/FR-2018-10-10/pdf/2018-21106.pdf.

10 The proposed rule includes a formula to determine whether the immigrant has used enough benefits to count in the public-charge test. This would be true if he or she (a) has received "monetizable" benefits (cash assistance; Supplemental Nutrition Assistance Program, or SNAP; or Section 8 housing assistance) totaling at least 15 percent of the federal poverty level for a single individual ($1,821 in 2018) over 12 months; (b) has received non-monetizable benefits (Medicaid, public housing, long-term institutionalization) for at least 12 months in a 36-month period; or (c) has received monetizable benefits below the 15-percent threshold along with non-monetizable benefits for at least nine months in a 36-month period.

11 A copy of the first leaked draft of the rule was posted online by Vox. See USCIS, "Inadmissibility on Public Charge Grounds" (draft rule, DHS, January 2018), https://docs.google.com/viewerng/viewer?url=https://cdn.vox-cdn.com/uploads/chorus_asset/file/10188201/DRAFT_NPRM_public_charge.0.pdf. The second leaked draft is available on the *Washington Post* website. See USCIS, "Inadmissibility on Public Charge Grounds" (draft rule, DHS, March 2018), https://apps.washingtonpost.com/g/documents/world/read-the-trump-administrations-draft-proposal-penalizing-immigrants-who-accept-almost-any-public-benefit/2841/.

12 MPI analysis of American Community Survey (ACS) data for 2016 showed that 31 percent of noncitizens used at least one of four programs: Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), SNAP, or Medicaid. The two most widely used benefits were SNAP (21 percent) and Medicaid (18 percent). Most of the noncitizens using these benefits were green-card holders.

13 This study sample includes legal permanent residents (LPRs) who, at the time ACS data were collected, had been in the United States for fewer than five years and who did not enter as refugees, obtain asylum, or fall into another humanitarian admissions classification (groups exempt from public-charge determinations). This analysis uses five years as a cutoff to represent recent LPR characteristics as accurately as possible, while smoothing out individual-year variations. MPI researchers assigned noncitizens in the 2012–16 ACS an immigration status (legal permanent resident, nonimmigrant, or unauthorized immigrant) by linking ACS data to 2008 Survey of Income and Program Participation (SIPP) data, which includes self-reported immigration status, using multiple imputation methods. Five years of ACS data were pooled to increase the precision of the estimates. Jennifer Van Hook of The Pennsylvania State University and James Bachmeier of Temple University advised MPI researchers on this method. For more details on these methods, see Jeanne Batalova, Sarah Hooker, Randy Capps, and James D. Bachmeier, *DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action* (Washington, DC: MPI, 2014), www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action.

14 The proposed rule states that not having a high school degree or higher education would be a negative factor. The authors assume that the reference to a high school degree is intended to refer to a high school diploma. Since the reference to higher education here is unclear, this analysis takes the conservative approach of only counting the lack of a high school diploma as a negative factor.

15 Research has found that immigrants who speak English "well" had better labor-market outcomes than those who speak it "not well' or "not at all." See Jeanne Batalova and Michael Fix, "A Profile of Limited English Proficient Adult Immigrants," *Peabody Journal of Education* 85, no. 4 (2010): 511–34.

16 While the proposed rule does not explicitly combine age with 125 percent of poverty-level income, this approach is described in the rule's preamble; for this reason, this analysis has taken the conservative approach of using this combined factor, rather than simply treating being below age 18 or over age 61 as a negative factor.

17 Because the ACS is a household-based sample and sponsors often live in different households than the immigrants they sponsor, it is not possible to identify LPRs sponsored by their relatives.

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18 Maki Park, Margie McHugh, and Caitlin Katsiaficas, *State Sociodemographic Portraits of Immigrant and U.S.-Born Parents of Young Children* (Washington, DC: MPI, 2016), www.migrationpolicy.org/research/state-sociodemographic-portraits-immigrant-and-us-born-parents-young-children-two-generation; D'Vera Cohn, Gretchen Livingston, and Wendy Wang, *After Decades of Decline, A Rise in Stay-at-Home Mothers* (Washington, DC: Pew Research Center, 2014), www.pewsocialtrends.org/2014/04/08/after-decades-of-decline-a-rise-in-stay-at-home-mothers/.

19 The other heavily weighed positive factor is having financial assets, resources, and support amounting to at least 250 percent of the federal poverty level. ACS data do not record assets, resources, or other financial support beyond homeownership.

20 Jeanne Batalova, Michael Fix, and Mark Greenberg, "Through the Back Door: Remaking the Immigration System via the Expected 'Public-Charge' Rule" (commentary, MPI, Washington, DC, August 2018), www.migrationpolicy.org/news/through-back-door-remaking-immigration-system-expected-public-charge-rule.

21 Muzaffar Chishti, Faye Hipsman, and Isabel Ball, "Fifty Years On, the 1965 Immigration and Nationality Act Continues to Reshape the United States," *Migration Information Source,* October 15, 2015, www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states.

22 *RAISE Act of 2017,* S. 354, 115th Cong., 1st sess., *Congressional Record* 163, no. 25, daily ed. (February 13, 2017): S1129, www.congress.gov/bill/115th-congress/senate-bill/354.

23 The proposed rule language concerning factors to be considered is at [Proposed] 8 *Code of Federal Regulations* 212.22, located on pages 51291–92 of DHS, "Inadmissibility on Public Charge Grounds." The preamble discussion of these factors is on pages 51178–217. In some cases, the preamble to the proposed rules is more detailed than the proposed rule. In those cases, the authors assume that the more detailed preamble language reflects the intent of the agency and draw from the preamble language in this analysis.

24 The preamble, but not the proposed rule, appears to treat any past receipt of the specified benefits as a negative factor.

25 This list is drawn from both the preamble and proposed rule. In the proposed rule itself, a number of the items listed below are treated as "evidence" rather than as "factors," so it is not entirely clear whether in a public-charge test these would be treated as separate factors or as evidence for the single factor of whether the immigrant has adequate education and skills.

26 This language is drawn from the preamble; the proposed rule just refers to "whether the alien is proficient in English or proficient in other languages in addition to English." See DHS, "Inadmissibility on Public Charge Grounds," 51291, § 212.22(b)(5)(ii)(D).

About the Authors

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