Trump's "Public Charge" Rules Would Harm Immigrants With HIV

The proposed changes would also kick nearly 2 million children off health insurance.

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Over the course of his time in office, a great deal of ink has been spilled chronicling President Trump's inhumane and draconian policies concerning undocumented immigrants living in the United States. From his ceaseless proclamations of the need for a massive, physical wall on the country's southern border to keep undocumented Mexican and Central American immigrants from entering the country to his official policy of separating children and infants from their parents and incarcerating them en masse in reprehensible conditions, President Trump has made clear his disdain for refugees and immigrants who do not stick within the confines of the U.S. immigration system to obtain citizenship.

However, this past spring, a leaked draft of proposed regulations from the Trump administration on the scope and application of "public charge" provisions of the country's immigration law showed that the President's extreme views on immigration extended not only to undocumented immigrants but also to those who were obeying the country's immigration laws to the letter.

The term "public charge" is used by the federal government to identify individuals who are dependent on the State for their well being and, insofar as it concerns immigration policy, to identify non-resident immigrants who they believe should not be offered citizenship due to their dependency on government aide. Until now, the definition of someone who constitutes a public charge was determined by a number of factors, including age, health, financial status, education, and — most importantly — an individual's utilization of cash assistance for income maintenance — e.g., use of Supplemental Security Income or Temporary Assistance for Needy Families — and government-funded long term medical care.

Under the Trump administration's proposed rule, the definition of what could be considered in making a public charge determination would be expanded, taking all public benefits into account not just those that are cash-based. As a result, this rule would penalize documented immigrants for using a wide range of non-cash based federal programs like Medicaid and the Supplemental Nutrition Assistance Program (SNAP) as well as use of any federal subsidies in the Affordable Care Act's (ACA) health insurance marketplaces.

Not content to simply add non-cash benefits for documented adult immigrants seeking citizenship,

the Trump Administration's proposed public charge rule would also penalize immigrants for using public programs designed to ensure their children stay healthy such as the Children's Health Insurance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children. The rule would also apply to anyone receiving Earned Income Tax Credits, housing assistance, and energy assistance through the Low Income Home Energy Assistance Program.

Available research suggests that implementation of this revised public charge rule would be disastrous not only for the health and wellbeing of the noncitizen immigrant adults who had traditionally been targeted by the rule but also the citizen children who depend on them and who previously had been exempt from contributing to an adult's public charge status. According to the Kaiser Family Foundation, the Trump administration's proposed public charge rule could result in the loss of health insurance for as many as 2 million children.

Other studies suggest that the rule could have significant negative effects on health care utilization that could result in immigrants at risk of contracting HIV not getting tested regularly or having access to HIV prevention tools as well as a decline in prenatal and postnatal care use by immigrants, placing infants at unnecessary risk of mother-to-child HIV transmission.

AIDS United is staunchly opposed to the Trump administration's proposed public charge rule changes, to their draconian treatment of undocumented immigrants, and to any policies that vilify immigrants and prevent them from accessing the resources they need to maintain their health and wellbeing. We will continue to work with partner organizations and Congress to ensure that these deeply harmful policies changes do not come to fruition and will keep you updated on any new developments on this matter as they occur.

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