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County of Santa Clara Denounces Latest Trump Administration Effort to Undercut Safety-Net Services and Target Immigrant Communities

“Public Charge” Rulemaking is Unlawful and Threatens Community Safety and Wellbeing

SANTA CLARA COUNTY, CALIF. – The County of Santa Clara denounces a new Trump Administration proposal that seeks to impose harsh immigration consequences for the use of many public benefits and services. The proposed “public charge” rule, announced in unofficial form by the U.S. Department of Homeland Security (DHS) today, is less draconian than draft proposals leaked earlier. But, like the draft proposals, it would wrongfully force non-citizens to either cease using certain essential County services or risk jeopardizing their ability to become lawful permanent residents (green-card holders).

Though deeply troubling, the public charge proposal has no immediate effect. Under federal law, DHS is required to officially publish the proposed rule and consider public input before deciding whether to finalize the proposal.

“Santa Clara County is committed to providing benefits and services to ensure that all residents and families remain healthy and safe,” said Santa Clara County Supervisor Dave Cortese. “This proposed rule is yet another effort by the Trump Administration to undermine the safety and wellbeing of our communities, and we will take every action to prevent this illegal overreach.”

“This federal proposal is an assault on our immigrant communities and the County,” said Santa Clara County Supervisor Cindy Chavez. “The services and benefits we provide enable families and communities to flourish—we know because we see the return from these investments every day in our thriving, immigrant-driven economy.”

“The Trump Administration’s public charge proposal is illegal and wrong—it flouts federal law, and threatens the health, safety, and welfare of all County residents,” said Santa Clara County Counsel James R. Williams. “If the Trump Administration does not reverse course, Santa Clara County is prepared to pursue all available legal avenues to block the proposed rule.”

The County is the only public safety-net healthcare provider in Santa Clara County and provides a broad range of other benefits and services to the County’s diverse residents. These include

regional emergency response services, food for the elderly, mental health and substance abuse services, and criminal justice services, among many others. More than 765,000 County residents—around 38 percent of the total population—are foreign-born. In 2014 alone, immigrants contributed an estimated \$77 billion to Santa Clara County’s economy, based on their wages and tax contributions, according to a New American Economy analysis.

After the proposed rule is officially published in the Federal Register, the public will have 60 days to comment on the proposal, and DHS must consider that input before adopting a final rule.

Background on “Public Charge” Determinations

Federal law permits the U.S. government to deny entry, green cards, and some other immigration benefits to individuals deemed likely to become a “public charge.” Under existing and longstanding federal policy, non-citizens may use many public benefits and services without fear of immigration consequences. Currently, immigration officials only take into account limited forms of public cash assistance and long-term institutionalization at public expense in making “public charge” determinations.

The proposed rule announced today would upend this decades-old policy by significantly expanding the public charge analysis. If finalized, the rule could allow the Trump Administration to deny green card applications based on the possibility that the applicant might use certain critical public benefits and services—no matter if their use of the benefit is legal, temporary, and limited in value.

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About the Santa Clara County Counsel’s Office

The County Counsel serves as legal counsel to the County, its Board of Supervisors and elected officials, every County department and agency, and the County’s boards and commissions. With a staff of 190 employees, including over 90 attorneys, the Office of the County Counsel is also responsible for all civil litigation involving the County and its officers. Through its Social Justice and Impact Litigation Section, the Office litigates high-impact cases, drafts innovative local ordinances, and develops policies and programs to advance social and economic justice.

About the County of Santa Clara, California

The County of Santa Clara government serves a diverse, multi-cultural population of 1.9 million residents. With a \$7 billion annual budget, dozens of offices/departments, and over 20,000 employees, the County provides essential services to its residents, including public health protection, environmental stewardship, medical services through Santa Clara Valley Medical Center, child and adult protection services, homelessness prevention and solutions, roads, park services, libraries, emergency response to disasters, protection of minority communities and those under threat, access to a fair criminal justice system, and many others, particularly for those in the greatest need. The County is the most populous in Northern California.