PITTSFIELD — Last week, Donald Trump stated his intentions to issue an executive order ending birthright citizenship in the United States. This alarming announcement is the latest in a series of more than 45 regulations, memos, rules, proposals or announcements that the Trump Administration has issued since January 2017 that imperil immigrants and erode our belief in the foundational American values of freedom, possibility, and the American dream of a better life — achieved through determination and hard-work.

Were this most recent announcement ever enacted into law, it would be certain to face a constitutional challenge, as the 14th Amendment to the Constitution provides that "all persons born or naturalized in the United States, and are subject to the jurisdiction thereof, are citizens of the United States." A more immediate threat is posed by a new proposed regulation from the Department of Homeland Security (DHS) released on October 10, 2018. That proposed regulation seeks to change the definition of so-called "public charge" status in a way that would penalize immigrants for accessing programs that help working families with basic needs. DHS's new rule would dramatically expand long-standing definitions of public charge (in place since 1999) and take aim at the most vulnerable in our communities — families, children, low-wage workers and minorities.

Across the U.S., and especially here in the Berkshires, immigrants drive our economy. More than 40 percent of the storefronts on Pittsfield's main streets are owned by immigrants. Immigrants staff the hotels and restaurants that power our local tourism. They are the only sector of the Berkshire population, as well as its workforce, that is consistently growing. The jobs that immigrants perform, the money they spend and the taxes they pay are vital to the health and well-being of our community. The leadership of the Berkshire Immigrant Center and the Literacy Network of South Berkshire strongly oppose this new proposed rule.

IMPOSSIBLE CHOICES

These are among the impossible choices this rule would create for immigrant families:

— Under the new rule, immigrants may be forced to choose between green cards and nutritious food and other programs serving basic needs. Experts predict that the proposed rule would have a substantial "chilling effect" on immigrant families, who will stop seeking support from key nutrition, health and housing programs such as Medicaid and the Supplemental Nutrition Assistance Program (SNAP) out of fear that doing so will risk their legal immigration status. Indeed, there is evidence that this is already happening. Immigrants will continue to decline to seek benefits—even on behalf of their children—to which they are legally entitled, due to fear of retaliation by the government. Over 19 million children in America (1 in 4 or 25 percent) have at least one immigrant parent and nearly 9 in 10 (or 86 percent) of those children are U.S. citizens. Ultimately, this proposal has the potential to deprive millions of our youngest citizens of key benefits to which they are rightly entitled.
— Under this new rule, immigrants may be forced to choose between living together as a family and accessing critical services. While the proposed expansion of the definition of "public charge" should not apply to anyone who is currently a legal permanent resident, it would apply to anyone here who attempts to secure a green card. This includes anyone in the process of becoming a green card holder through family- or work-based petitions — mothers and fathers, brother and sisters, children and spouses who are related to American citizens or green-card holders and who wish to join or stay with their family in the U.S. Those who come to the United States through a family-based petition are overwhelmingly immigrants of color. The proposal would deepen the nation's racial divide by prioritizing wealthy, socially-mobile immigrants and making it harder for minority families to reunite in the United States.

— Under this new rule, poverty is penalized. The proposed rule adopts new income thresholds for households facing the public charge "test." It gives negative weight to immigrants who earn less than 125 percent of the federal poverty level ($31,375 for a family of four) and gives positive weight to income over 250 percent of the federal poverty level (nearly $63,000 for a family of four). The rule also gives negative weight to children or seniors, persons with limited English proficiency, poor credit history, limited education, a large family or pre-existing health conditions that may require extensive treatment or affect an applicant’s ability to work. The administration would be free to define a particular type of class, education-level, wealth, status, and family structure that is "welcomed" and prioritized in the immigration process, while penalizing those working families who are already, or soon would be, contributors to our overall economic health.

WE CAN STOP IT

DHS's proposed rule is not yet law. We still have time to stop it. In the meantime, we encourage families to access the supports they need to keep contributing fully to our county and our country. It is important for those families that the rule directly affects to understand that services used before the rule is finalized will not count against them. If enacted, immigrants will also have a 60-day grace period to withdraw from programs before facing consequences.

We want the immigrants we serve in Berkshire County to know that we stand firm in our opposition to this proposed rule. And we are not alone. Thousands of organizations in Massachusetts and across the nation committed to providing health, education, food and housing services to children and families of all backgrounds, colors, socio-economic standings and nationalities are opposing this new public charge rule.

MIRA, The Massachusetts Immigrant and Refugee Advocacy Coalition is the largest organization in New England promoting the rights and integration of immigrants and refugees. We urge you to join in the effort by visiting http://miracoalition.org/pif to submit a comment opposing the rule.

Brooke Mead, executive director, Berkshire Immigrant Center

Rose Ellis, advisory board chair, Berkshire Immigrant Center

Jennifer Vrabel, executive director, Literacy Network of South Berkshire

Lucy Prashker, president, Literacy Network of South Berkshire