

RAISE ACT

TALKING POINTS & BRIEF SUMMARY OF PUBLIC BENEFITS PROVISIONS

Draft 08/2/17- Prepared by National Immigration Law Center & Center for Law and Social Policy

BILL TEXT: https://www.cotton.senate.gov/files/documents/170802_New_RAISE_Act_Bill_Text.pdf

SECTION BY SECTION:

https://www.cotton.senate.gov/files/documents/170802_New_RAISE_Act_Section_by_Section.pdf

PRESIDENT TRUMP'S [Statement](#) & [Remarks](#)

NILC'S STATEMENT: <https://www.nilc.org/2017/08/02/raise-act-cruel-un-american/>

→ **The RAISE Act is an attack on our family based immigration system.**

TOPLINE Talking Points (please see page 3 for additional talking points on the RAISE Act):

- The proposed policy is a radical and alarming departure from America's longstanding history of welcoming and embracing the diversity and family reunification values that give us our moral and economic advantage in the world.
- The RAISE Act represents yet another attack on low-income communities of color—in this case, low-income immigrants—by keeping families apart and closing the doors of opportunity on those who come to the United States to work their way up and provide a better future for their families. The bill not only fails to recognize the contributions of hard-working immigrants who represent a range of skills and income-levels, but it also threatens the health and well-being of entire families. It adds new hurdles to naturalization for green card holders based on use of public benefits and punishes all members of a household—including U.S. citizen children—by denying them access to health insurance and nutrition assistance simply because one family member entered on the new points-based visa.
- The bill would devastate families, eliminating the traditional and long-accepted means by which family members such as grandparents, mothers, fathers and siblings are able to reunite and join their families who have emigrated to the United States.
- An emphasis on so-called 'merit-based' immigration is a manipulative and misleading ploy that inaccurately suggests less legal immigration means more jobs for American workers. Economists from both sides of the political spectrum clearly and consistently reject this. The economic consequences and impact on American families would be devastating.

→ **The RAISE Act applies the 5-year bar to public benefits to new point visa holders AND members of their households.** Under current law, only a subset of lawfully present immigrants (i.e. "qualified" immigrants) are eligible for federal means-tested public benefits (Medicaid, Children's Health Insurance Program, Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families and SSI), and most of them are barred from these programs for at least five years. The RAISE Act would bar immigrants who obtain a points-based visa as well as "every member of their household" from receiving federal means-tested benefits for five years after the visa is issued.¹

¹ INELIGIBILITY FOR PUBLIC BENEFITS (p. 24)

The RAISE bill seeks to harm all members of a household simply because one of their family members is an immigrant who entered on a points-based visa. This provision would harm U.S. citizen children and spouses of visa holders, and household members with other immigration statuses, including those who are already eligible for and may be receiving health insurance, nutrition assistance or other programs.

Talking points:

- It is wrong to undermine the health and well-being of every person in a family based on the status or entry date of one family member.
- It is unconstitutional to deny a US Citizen child or other family member benefits for which they are otherwise eligible simply because they live in a household with an immigrant who received a particular visa.

→ **The RAISE Act prevents US citizens from reuniting permanently with their parents.** It creates a temporary non-immigrant visa for parents, who would not be authorized to work or to receive any federal, state or local public benefit. Citizen sponsors would be required to support them and to secure health insurance for them.

- This is an attack on family based immigration and denies access to permanent status and civic participation for parents of US citizens.
- Family unity is a core American value. We should not pass laws that keep families apart.
- U.S. citizen adults may find it difficult if not impossible to secure health insurance for their parents;
- Parents will be prevented from contributing to their own support or from securing health insurance through employment.
- Those who cannot meet these conditions will be kept out of the country, separated from their closest family members.

→ **The RAISE Act denies citizenship to immigrants based on their sponsor's response to the federal government.** The RAISE bill requires immigrants' sponsors who signed an I-864 affidavit of support to reimburse the federal government for "all means-tested public benefits" used by the sponsored immigrant during the immigrant's first five years in status as a condition of the immigrant's naturalization.²

"(5) INELIGIBILITY FOR PUBLIC BENEFITS.— An alien who has been issued a points-based immigrant visa under this subsection, and every member of the household of such alien, shall not be eligible for any Federal means-tested public benefit (as defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) during the 5-year period beginning on the date on which such visa was issued."; and 25 MDM17962 S.L.C. (2) in subsection (d)(1), as redesignated by section 2(b)(1)(C)(ii), by striking "or (b)";

² **SPONSOR LIABILITY AS PREREQUISITE FOR NATURALIZATION (p. 39)**

SEC. 6. PREREQUISITE FOR NATURALIZATION. Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429 et seq.) is amended—

(1) by striking "Except" and inserting the following: "(a) PERMANENT RESIDENT.—Except";

(2) by striking "he" each place such term appears and inserting "he or she";

(3) by striking "his" and inserting "his or her";

(4) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security";

(5) by striking "the Service" and inserting "the Department of Homeland Security";

(6) by striking "Notwithstanding" and inserting the following:

"(b) WARRANT OF ARREST.—Notwithstanding"; 40 MDM17962 S.L.C.

(7) by striking "Act: Provided, That the findings" and inserting "Act. The findings"; and

(8) by adding at the end the following:

Current law already addresses sponsor liability, but this would be a new condition never before imposed on naturalization applicants. It would prevent many immigrants who have used benefits legitimately from becoming citizens. It would cause confusion and would create a chilling effect - making immigrants more reluctant to apply for critical programs for which they are eligible based on fears that it will affect their sponsors and their ability to naturalize.

Most immigrants on the path to citizenship are not eligible for federal means-tested benefits during their first five years, except for veterans and active duty military families, and, for some programs, children or pregnant women. These populations would be particularly harmed by this provision.

If “all means-tested public benefits” includes state and local benefits - where the state or locality has determined that it wise to invest in the health and well-being of its residents, the effect on immigrants and communities would be devastating.

- Talking points:
 - Veterans and active duty military families who have served or are serving their country and have properly used critical health and nutrition programs should not face extra hurdles to naturalizing. We should support immigrants who have served their country and should not create new barriers for them to obtain citizenship.
 - The purpose of this language is to bar green card holders who may have faced temporary economic hardship or who needed critical services in order to continue contributing to local economies from being able to naturalize. This undemocratic measure disenfranchises low-income immigrants, undermines their civic participation and prevents them from enjoying the full benefits of citizenship.

Additional Talking Points on the RAISE Act from NILC:

- The Republican Party continues to double down on the execution of President Trump’s white nationalist blueprint for America.
- The RAISE Act is the GOP’s latest extremist proposal that would cut legal immigration levels by half -- and President Trump fully endorses it.
- The bill reduces the number of greencards issued to family members of U.S. citizens, decreases the number of resettled refugees, and eliminates the diversity visa lottery altogether. Such an extreme proposal reverses nearly a century of well-established policy that recognizes the value of keeping families together.

“(c) OUTSTANDING DEBTS.—No person may be naturalized under this title if the individual who executed an affidavit of support with respect to the person has failed to reimburse the Federal Government, in accordance with section 213A(b), for all means-tested public benefits received by the person during the 5-year period beginning on the date on which the alien was lawfully admitted for permanent residence.”

- Don't be fooled by arguments made by supporters of this legislation: there's nothing smart or "merit-based" about this extremist proposal. If passed, this bill will hurt our economy.
- The RAISE Act is just another one of the Republican Party's sinister attacks on immigrants. It is yet another move made to dismantle our national identity.
- The RAISE Act hurts families. It is contrary to our history which has recognized the value of keeping families together. It would force close family members such as parents, brothers and sisters to remain apart, perhaps for their entire lives.
- This bill, if passed, would be the biggest attack on legal immigration in nearly a century. This will hurt employers and businesses.
- This bill would eliminate all of the family-based legal immigration categories except for spouses and minor children of citizens and residents. The bill eliminates the ability of adult U.S. citizen children to sponsor their parents. This is an attack on U.S. citizens and their ability to reunite with their immediate family members. Rather than recognizing that strong families contribute to the economy, this bill operates on the false assumption that legal immigration harms our economy.
- Family-based immigrants have fueled innovation. In Silicon Valley, icon of high-tech innovation, more than half of new companies were started by immigrants, many of whom came to the country on family-based visas. As Rep. Zoe Lofgren (D-Calif.) asserted during a House Judiciary Committee hearing, "I often say I am glad that Google is in Mountain View rather than Moscow. Like eBay, Intel and Yahoo!, Google was founded by an immigrant. But it's worth noting that none of the founders of these companies came to the U.S. because of their skills."