

**SENATE CONCURRENT
RESOLUTION No. 94**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

Condemns US Department of Homeland Security's proposed regulations that would allow consideration of credit reports and scores in immigration decisions.

CURRENT VERSION OF TEXT

As introduced.



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1 **A CONCURRENT RESOLUTION** condemning the United States
2 Department of Homeland Security’s proposed regulations that
3 would allow the consideration of credit reports and scores in
4 immigration decisions.

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6 **WHEREAS**, On October 10, 2018, the United States Department of
7 Homeland Security proposed a new rule amending the regulations
8 issued pursuant to section 212(a)(4) of the “Immigration and
9 Nationality Act” to allow the consideration of credit reports and
10 scores in immigration decisions, specifically as a factor in
11 determining the immigrant’s likelihood of becoming a “public
12 charge,” meaning a person primarily dependent on government
13 assistance for food, housing, or medical care; and

14 **WHEREAS**, The proposed rule perverts the original purpose of credit
15 reports and scores, which were designed as tools for lenders to
16 evaluate the probability that potential borrowers will repay their
17 debts; and

18 **WHEREAS**, Credit reports contain no information about an
19 individual’s income or earnings and therefore are inapplicable to
20 a determination of an immigrant’s likelihood of becoming a
21 public charge in the U.S.; and

22 **WHEREAS**, Because a significant factor in a credit score is the
23 number of years an individual has had and used credit in the
24 United States, using credit scores to determine immigration
25 status is especially inappropriate given that many immigrants
26 have not been in the United States long enough to develop
27 extensive credit histories; and

28 **WHEREAS**, As credit reports are only available in English, the
29 proposed rule would unjustly discriminate against immigrants
30 who are not proficient or fluent in the English language; and

31 **WHEREAS**, The use of credit reports and scores in any context, let
32 alone in immigration decisions, is problematic in light of a
33 comprehensive 2012 study by the Federal Trade Commission
34 finding that one in five American consumers had at least one
35 error on their credit report; and

36 **WHEREAS**, It is fitting and proper that this House condemn any
37 measure that bases immigration decisions on a metric that is
38 irrelevant and potentially inaccurate; now, therefore,

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40 **BE IT RESOLVED** by the Senate of the State of New Jersey (the
41 General Assembly concurring):

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43 1. The Legislature condemns the U.S. Department of
44 Homeland Security’s proposed rule amending the regulations issued
45 pursuant to section 212(a)(4) of the “Immigration and Nationality
46 Act” to allow the consideration of credit reports and scores in
47 immigration decisions.

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1 2. Copies of this resolution, as filed with the Secretary of State,
2 shall be transmitted by the Clerk of the General Assembly or the
3 Secretary of the Senate to the Secretary of Homeland Security.

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STATEMENT

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8 This concurrent resolution condemns the United States
9 Department of Homeland Security's proposed rule amending the
10 regulations issued pursuant to the "Immigration and Nationality
11 Act" to allow the consideration of credit reports and scores in
12 immigration decisions. The proposed rule perverts the original
13 purpose of credit reports and scores, which were designed as tools
14 for lenders to evaluate the probability that potential borrowers will
15 repay their debts. The use of credit reports and scores in
16 immigration decisions is inappropriate because 1) credit reports are
17 only available in English and contain no information about an
18 individual's income or earnings, and 2) many immigrants have not
19 been in the United States long enough to develop extensive credit
20 histories.