

PUBLIC CHARGE INFORMATION

The news is dominated by the Supreme Court nomination and the midterm elections but the administration continues with its vast policy shifts in the immigration system and pursuing a nativist agenda.

In a proposed [new rule](#), known as “public charge”-- striking in scope and rooted in a history of xenophobia and racism -- the administration announced that immigrants who utilize virtually all public benefits risk jeopardizing their ability to stay in the country. If adopted the Department of Homeland Security (DHS) will take into account a number of additional factors in considering applications for immigration visas (like work visas or family-based visas) or green cards (permanent residency).

The proposed rule is unprecedented in the history of the country. The Migration Policy Institute predicts millions of immigrants could be affected. Also, by including programs like Medicaid and food stamps, which are much wider in scope, it would more likely hit working people — the majority of people on Medicaid are themselves employed, and almost 80 percent live in families with at least one working member.

This is an early step in the complex federal rulemaking process. And a lot could still change. Therefore, stay tuned.

Below we describe what we know of the rule, how to talk to leaders and provide resources from partners. As always please reach out with questions.

What Is the White House Proposing?

A “public charge” designation would apply if:

- If the immigrant took cash welfare — known as Temporary Assistance for Needy Families, or Supplemental Security Income — or federal help paying for long-term care. [This is current policy]
- Expanding the list it would now apply to green-card applicants for using:
 - Medicaid, a federal-state health plan for low-income people, Enrollment in a Medicare Part D program subsidy to help low-income people buy prescription drugs;
 - Food stamps;
 - Section 8 rental assistance and federal housing vouchers.
- DHS hasn’t decided whether Children’s Health Insurance Program or CHIP would be counted as one of the “public charge” eligible programs.

Not included:

- Persons who receive subsidies to buy health insurance on the Affordable Care Act marketplaces.
- Would not apply for using Medicaid in certain emergencies or for some Medicaid services provided through schools and disability programs.

When Will the Policy Shift Take Effect?

Once the proposed rule appears in the Federal Register in the coming days or weeks, a 60-day countdown starts, during which anyone can weigh in with comments. Once it is posted, the federal agency must accept and respond to comments on it. It will not be implemented until after it becomes final, which will take additional time. A final rule likely would not take effect until 2019. Please look out for LA RED information on next steps when 60-day clock begins.

You are not alone, and there's still time to fight back:

- To be clear, receiving public aid wouldn't necessarily stop people from getting a green card. But it would tilt the odds against them.
- The policy on public charge decisions made within the U.S. has not yet changed.
- The proposed rule is still a draft. If the proposed rule becomes final, noncash benefits (other than long-term care) used before that time will not be considered. Using benefits now can help you or your family members become healthier, stronger, and more employable in the future.
- Federal and state laws protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits.
- Get help deciding what's best for your family and, if you can, consult with an immigration attorney or a Board of Immigration Appeals-accredited representative about your own situation.

Resources

NILC Resources: How to talk to leaders about this proposed change:

<https://www.nilc.org/issues/economic-support/how-to-talk-about-public-charge-pif/>