



Immigration: Public Charge

On Wednesday, the Department of Homeland Security (DHS) [released a notice of proposed rule-making \(NPRM\) in the Federal Register](#) that would—among other things—expand the factors immigration officials consider when making a “public charge” inadmissibility determination. The public charge statute requires immigration officials to determine whether an individual seeking admission into the United States as a nonimmigrant or as an immigrant, or seeks adjustment of status, is likely to become a public charge at any time.

Currently, the only benefits considered in determining who is likely to become a public charge are cash assistance (such as Supplemental Security Income or Temporary Assistance for Needy Families) and government funded long-term institutional care. The proposed rule would expand that list of programs to include:

- Non-emergency Medicaid
- Supplemental Nutrition Assistance
- Medicare Part D Low Income Subsidy
- Housing assistance

In the NPRM, DHS asks for input on inclusion of the Children’s Health Insurance Program (CHIP).

Some immigrant groups such as refugees, asylees, survivors of domestic violence, and other protected groups are not subject to public charge determinations and therefore would not be affected. DHS estimates that the

proposed regulations would negatively affect 382,000 people every year, however, some advocates say that is likely an undercount. Advocates such as the [Kaiser Family Foundation](#) believe the proposed rule “would likely increase confusion and fear among all immigrant families,” deterring them from seeking benefits and programs that are proven to improve health and well-being.

Written comments and related material must be submitted by **December 10, 2018**. [Click here](#) for more information.