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Update on Public Charge Rules

The new Department of Homeland Security (DHS) rules regarding immigrants who could become a “public charge” are currently blocked by federal court order and are NOT in effect at this time.

DHS published a final version of a new rule regarding public charge on August 14. Under immigration law, DHS would be able to deny someone a visa if it believes that person is likely to become a public charge: that is, likely to rely on government support for their livelihood.

At least five federal courts – including the one in Chicago ruling in a lawsuit filed in Cook County by the Illinois Coalition for Immigrant and Refugee Rights – have issued orders blocking DHS from implementing the rule. These orders could still be appealed and overruled.

The best way to support our clients is to promote awareness and encourage people to know their rights. More information and factsheets to share with clients can be found here: <https://www.icirr.org/publiccharge>. It can be used as a resource to learn more about who is affected by “public charge” and which benefits count when deeming someone a public charge.