

## **Public Charge and Participation in NFP**

### **Frequently Asked Questions**

- **Is MIECHV included in public charge?**

- NO. Receiving home visiting services paid for by MIECHV is not included in public charge determinations.

#### **Questions about Public Charge:**

- **What is public charge?**

- The public charge test is applied by immigration officials to determine whether immigrants are eligible to get a green card and become a lawful permanent resident (LPR). It is a determination of whether an individual is likely to need to utilize certain public benefits while in the U.S.

- **Who is affected by public charge?**

- Individuals seeking green cards from inside or outside of the U.S could be affected and should consult an immigration attorney. The rule does not apply to persons seeking to become naturalized citizens, green card renewals, asylum seekers, refugees, and other humanitarian categories.

- **Is the public charge test new?**

- No. The public charge test has been used for many years, but the Administration proposed changes to public charge that expand the factors that are considered.

- **How has the administration changed the public charge determination?**

- Previously, only the receipt of cash-based benefits such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or general cash assistance (state or local) were considered in public charge determinations.
- Now, the federal government will look at utilization of:

- Medicaid (with exceptions for emergency services, children under 21, and pregnant women through 60 days post-partum)
  - SNAP (Supplemental Nutrition Assistance Program, also known as “food stamps”)
  - Federal Public Housing
  - Section 8 Housing Assistance
- The Federal government will also now consider several other factors in determinations of public charge, including age, health, family income, and English-language skills.
- Note that programs which are not specifically listed above are not included in public charge: WIC, CHIP, food banks, shelters, etc.
- **When do the changes to public charge take effect?**
  - The rule was previously enjoined by a federal court in New York, but on Monday, January 28, 2020 the United States Supreme Court lifted that injunction. DHS has not yet released a timeline for implementation, but the rule is now effective, and decisions could start being made in line with it immediately.
- **Are there exceptions for pregnant women and children?**
  - **Yes.** The final rule does not permit public charge consideration of Medicaid benefits if the immigrant is under 21 years of age, a pregnant woman, or 60 days postpartum.
- **Are benefits received by citizen family members included in a public charge determination?**
  - **No.** Benefits received by citizen family members (including citizen children) do not count in a public charge determination.

## **Questions about how participation in NFP affects a mother’s immigration status:**

- **How does public charge affect NFP visits funded by Medicaid?**
  - If a client subject to public charge is on Medicaid, and getting NFP visits that are reimbursed by Medicaid after 60 days post-partum, then her use of Medicaid for NFP **could** be included in her public charge determination,

along with any other services that she is receiving that are covered by Medicaid.

- Clients subject to public charge who are concerned about their utilization of Medicaid after the effective date of the rule should consult an Immigration attorney.

▪ **How does Public Charge affect NFP visits funded by TANF?**

- Cash assistance –including TANF cash assistance -- has always been included in public charge determinations and is not a part of this change. NFP programs funded by TANF should consult with the state regarding questions on TANF dollars that are allocated to NFP and how it impacts Public Charge. NSO Government Affairs Managers/State Directors should be able to help obtain this information.

▪ **Does the new rule mean that participation in NFP could hurt a mother's immigration status?**

- **Generally, no.** But if a client subject to public charge is on Medicaid and receiving NFP services that are reimbursed by Medicaid, they should consult an immigration attorney.

▪ **Does NFP collect information regarding the immigration status of its mothers?**

- **No.** NFP does not ask clients about their legal status and does not collect immigration information that is shared by clients.

▪ **Does the NSO share personally identifiable information with the federal government?**

- **No.** The NSO does not provide personally identifiable data directly to the federal government. The NSO defers to the state or local network partners in the handling of personally identifiable data in their reporting requirements, subject to HIPAA regulations.