Public Charge Updates

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Administrative Assaults on Immigrant Families

- DHS Public Charge Rule Change
- DOS Public Charge Rule Change
- DOJ Public Charge Rule Leak
- Fee Waiver Change Proposal
- Trump’s Health Insurance Proclamation
- Sponsor Deeming/Liability Memo
- HUD Rule Proposal
- Proposed Changes to Federal Poverty Level
What is “Public Charge?”

It is a test in certain immigration applications to see if someone is likely to become dependent on the government.
The new rule was scheduled to go into effect Oct. 15, 2019. **BUT, federal courts have blocked the rule.**
Did the “Public Charge” Change?

It’s important to stay updated, because things might change.

There are multiple lawsuits challenging this rule.
Important!

Nothing is changing about who is eligible for benefits!
What is “Public Charge?”

The public charge test involves looking at certain factors to decide if a person is likely to rely on government support in the future.

- Certain past public benefits used
- Income
- Health
- Family Size
- Employment
- Education & Skills
What is “Public Charge?”

The public charge test is only applied during the application process for a Green Card.
Who Does Public Charge Apply To?

Application for Green Card

YES

Public Charge Test
Who Does Public Charge Apply To?

Application for Citizenship

NO Public Charge Test
Who Does Public Charge NOT Apply To?

Refugees and Asylees
Victims of trafficking (T visas),
Victims of domestic violence or other serious crimes (U visas and VAWA self-petitioners)
Special Immigrant Juveniles (SIJS)
Some other immigrants

NO
Public Charge Test
Public Charge - How Does the Test Work?

Public benefits considered now:

1. **Cash assistance**
   (SSI, TANF, Safety Net Assistance)

2. **Institutionalization for long-term care**
   (funded through Medicaid)
Public benefits considered in the new rule:

1. Cash assistance (SSI, TANF, Safety Net Assistance)
2. SNAP (food stamps)
3. Medicaid (but NOT healthcare services, the Essential Plan, Emergency Medicaid, or Medicaid for pregnant women and children)
4. Section 8 and public housing
Who Does Public Charge NOT Apply To?

Benefits used by an applicant’s children and family members will **NOT** count in that person’s public charge test.

For example, benefits used by U.S. Citizen children **will not impact** their parent’s application for a Green Card.
There are many benefits that will NOT be part of the new public charge test. For example:

- WIC
- Health insurance for pregnant women and children
- Medicare, Essential Plan, Emergency Medicaid
- School Programs (lunches, buses, afterschool, etc.)
- Seeing a doctor at the hospital or clinic
- Benefits used by family members
Health care programs that will **NOT** create public charge concerns:

- Medicaid for children under 21
- Medicaid for pregnant women
- Essential Plan
- Child Health Plus
- State-funded Medicaid (e.g., DACA recipients)
- Qualified Health Plans on New York State of Health
Just using the identified government benefits does not automatically make you a public charge. The government looks at multiple factors.
The new rule has not gone into effect because of court cases preventing its enforcement (was scheduled to go into effect Oct. 15, 2019).

For now, the government will follow the current public charge rules for all green card applications.

Benefits used by family members of the applicant **DO NOT** count in the applicant’s public charge test.
You don’t need to be concerned with public charge if you are not planning to submit an application for a green card. If you are submitting an application for a green card, consult an attorney.
What Should I Do Right Now?

Call the **New Americans Hotline at 1-800-566-7636** for suggestions about where to get legal advice. The hotline is free and anonymous, and help is available in many languages.
For updated information on the proposed rule change and community resources, visit:

New York Immigration Coalition
www.nyic.org/publiccharge

Protecting Immigrant Families
www.protectingimmigrantfamilies.org