

Public Charge Updates

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Administrative Assaults on Immigrant Families

DHS Public Charge Rule Change

Trump's Health Insurance Proclamation

DOS Public Charge Rule Change

Sponsor Deeming/Liability Memo

DOJ Public Charge Rule Leak

HUD Rule Proposal

Fee Waiver Change 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.**

Did the “Public Charge” Change?

On Aug. 14, 2019, the government **finalized changes** to the Public Charge rule.

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?”

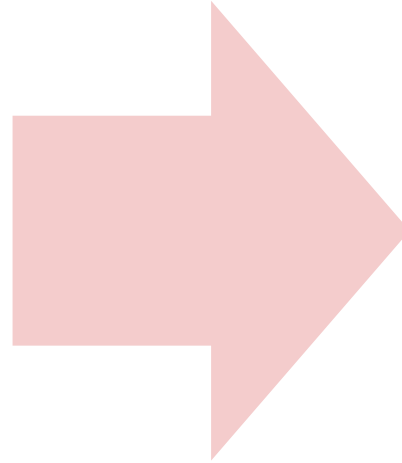


The image shows a close-up of a 'GREEN CARD APPLICATION' form. The title 'GREEN CARD APPLICATION' is printed in large, bold, black capital letters at the top. Below the title, the form is divided into sections. The first section is labeled 'Personal Information' and contains fields for 'Name (Last)', 'Address (Mailing Address)', and 'Home Address'. A black pen is resting on the form, pointing towards the 'Name (Last)' field. The form is placed on a wooden surface.

The public charge test is **only applied during the application process for a Green Card.**

Who Does Public Charge Apply To?

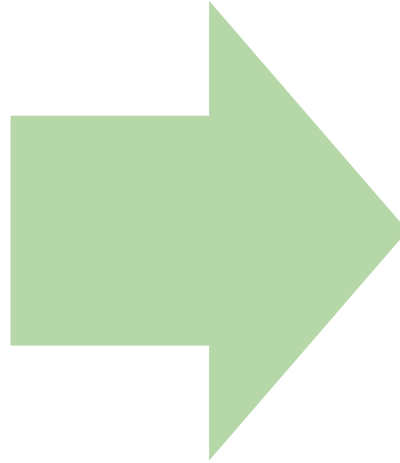
Application for
Green Card



YES
Public Charge
Test

Who Does Public Charge Apply To?

Application for
Citizenship



NO
Public Charge
Test

Who Does Public Charge NOT Apply To?

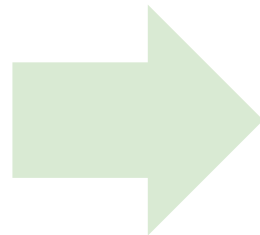
Refugees and Asylees

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 Charge - How Does the Test Work?

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.



What public benefits are NOT part of the new rule?

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**

Public Charge - How Does the Test Work?

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

Public Charge - How Does the Test Work?

Just using the identified government benefits does not automatically make you a public charge. The government looks at **multiple factors**.



Remember!

- 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.

What Should I Do Right Now?

- **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.

Stay Informed!

For updated information on the proposed rule change and community resources, visit:

[New York Immigration Coalition](http://www.nyic.org/publiccharge)

www.nyic.org/publiccharge

[Protecting Immigrant Families](http://www.protectingimmigrantfamilies.org)

www.protectingimmigrantfamilies.org



What is a "public charge?"

A person who uses some kinds of benefits from the government might be considered a "public charge" by the government. This can affect your immigration status. Just using government programs does not make you a public charge.

Which programs might put someone at risk of being considered a "public charge"?

The **ONLY** government programs right now are:

- Cash assistance (like TANF or SSI)
- If the government is paying for institutionalized long-term health care (like a nursing home)

When the new rules go into effect on **Oct. 15, 2019**, the added programs will be:

- SNAP (food stamps)
- Non-emergency Medicaid (but **NOT** healthcare services, the Essential Plan, Emergency Medicaid, or Medicaid for pregnant women and children)
- Section 8 and public housing

Even being enrolled in these programs does **NOT** mean you will automatically be considered a public

The government recently changed the rules they use to decide if someone is a "public charge." The new rules start on October 15, 2019. But public charge still doesn't apply to many people, and most government programs aren't included in the rules.

When does the government decide if someone is a "public charge"?

It only happens when you are applying for a green card or some kinds of visas. When you apply for citizenship the government does **NOT** check if you are a "public charge."

What should I do?

You don't need to cancel your

policy. When
er a person
assessment
dds specific
history, and
punted in a
nutrition, or

