



## Changes to “Public Charge” Rules Threaten Immigrant Families

The Trump administration promulgated regulations on Wednesday, October 10, that replace long-standing policy about the meaning and application of the ‘public charge’ provisions of the immigration law.

### What is public charge – and what’s at stake?

Under federal law, immigration and consular authorities can deny admission to the United States or adjustment to LPR status (green card) to a person they deem likely to become a public charge. The officials must look at multiple issues, including the immigrant’s age, health, education, income, assets, skills, employment and family status as well as other relevant factors.

Current policy allows officials to consider only two types of public benefits as ‘other relevant factors’ in a public charge determination. The proposed rules would expand the types of public benefits that could be considered as shown in the chart below.

Current Policy	Proposed Policy	Benefits NOT considered under current and proposed policy
<ul style="list-style-type: none"> <li>• Medicaid – Only long term care in an institution</li> <li>• Cash assistance (RI Works) if only source of support and SSI</li> </ul>	<ul style="list-style-type: none"> <li>• Medicaid – all Medicaid, except emergency Medicaid or some Medicaid services provided through schools and disability programs</li> <li>• Cash assistance – RI Works and SSI</li> <li>• SNAP</li> <li>• Section 8 vouchers</li> <li>• Medicare Part D subsidies to help people buy prescriptions</li> </ul>	<ul style="list-style-type: none"> <li>• In-state tuition</li> <li>• Government student loans</li> <li>• Emergency services, including disaster relief and emergency Medicaid (covers hospital bills)</li> <li>• Earned benefits connected to work or military service (Social Security, Veteran’s benefits)</li> <li>• Employment and Job Training programs</li> <li>• Child development</li> <li>• WIC</li> <li>• Tax credits available to pay for health insurance purchased through HSRI</li> <li>• Earned income tax credits</li> </ul>

### Who would be affected and how would the rule apply?

- The new rule will affect primarily noncitizens who are applying for LPR status (green card) through family-based petitions. It will also affect LPRs who leave the country for more than 6 months when they return. And the rule would extend the public charge test if a person seeks to extend a temporary non-immigrant visa or to change categories

(e.g., from student to workers). If the individual received one of the listed benefits this could be considered in the public charge test.

- Benefits received by an immigrant's family members will not be considered.
- The benefits previously excluded from public charge consideration will not be considered until after the rule is finalized.
- Some immigrants are not subject to public charge rules: refugees, asylees, survivors of trafficking and other serious crimes, self-petitioners under VAWA, special immigrant juveniles, certain people paroled into the US, several other categories of noncitizens.
- LPRs applying to become citizens do not undergo a public charge test.

### **Next Steps:**

We need to help immigrants understand who will be affected by the rule (if it is enacted) and who will not – so that immigrants do not unnecessarily forego getting the benefits they need to support themselves and their families. Many families are already afraid to apply for benefits for which they or their children are eligible and the proposed rule adds to the fear. Parents should not be afraid to apply for benefits for which their citizen children are eligible. People who already have a green card will not be affected by the rule (unless they plan to leave the country for 6 months) and it will not affect their ability to become citizens. The rule will not affect refugees, asylees, and victims of domestic violence applying for status under VAWA. Finally, even if the rule goes through, only benefits received after the rule is finalized will count – so people can get benefits now, if they are eligible.

The rule was published in the Federal Register on Wednesday, October 10 and there is a 60 day comment period. A final rule is not likely until 2019. There is a national effort to submit comments from many organizations to show the depth of opposition to the proposed rule, as well as to slow down the finalization of the rule, since the administration must respond to all comments. There may be modifications to the rule, or best-case scenario, the rule is not enacted. You can find more information about submitting comments here:

<https://protectingimmigrantfamilies.org/>

For more information, see: <http://www.economicprogressri.org/immigrant-issues>