



Public Charge: Tearing Down Trump's Invisible Wall May 3, 2019

Co-Chaired by:



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What is the PIF Campaign?

- **Purpose: Unite to protect and defend access to health care, nutrition programs, public services and economic supports for immigrants and their families at the local, state and federal level.**
 - Created in 2017 and co-chaired by NILC and CLASP
 - Over 370 Active Member Organizations
 - 5 Working Groups: Communications, Federal Advocacy, Field, Policy & Legal Analysis, Research. In 2019, we formed 5 new subcommittees.
 - www.protectingimmigrantfamilies.org

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What does current public charge policy look like?

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Longstanding public charge test

Definition

A person who is considered “likely to become primarily dependent on the government for subsistence.”

Benefits Considered

Only two types of benefits considered:

1. **Cash assistance** for income maintenance
2. Institutionalization for **long-term care** at government expense

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Where does public charge come up?

A public charge assessment is made when a person:

- Applies to enter the U.S.
- Applies to adjust status to become a Lawful Permanent Resident (LPR) - obtaining a green card
- A green card holder leaves the U.S. for more than 180 consecutive days (6 months) and reenters



Current public charge test *in the U.S.*

Totality of Circumstances

- Age
- Health
- Family status
- Financial status
- Education and skills
- Affidavit of support



The public charge assessment is forward looking

Is the person likely to rely on cash or long-term care in the future?

- No one factor (including past use of cash benefits) can alone determine whether or not someone is a “public charge”
- Positive factors can be weighed against negative factors



Does this test apply to everyone?

Public charge does NOT apply to everyone. Here are some examples of public charge does NOT apply to:

- Lawful Permanent Residents (Green card holders)
- Immigrants applying for citizenship
- Refugees and Asylees
- VAWA self-petitioners
- Survivors of Domestic Violence, Trafficking, or other Serious Crimes (Applicants/ recipients of U or T visa)
- Special Immigrant Juveniles
- Certain Parolees, and several other categories of non-citizens



How would the public charge test change under the proposed regulation?



Why this proposal is a radical change

DEFINITION CHANGE

This definition would change from someone who relies on government for main source of support to someone who participates in a health, nutrition or housing benefit to support work.

MORE FACTORS CONSIDERED

The totality of circumstances test has new detailed factors that make it harder for low and moderate income people to pass. Immigrants can fail the test if they are low-income, don't speak English well, have a medical condition, etc.

ADDITIONAL BENEFITS

Additional benefits included in the test: Medicaid, SNAP, Housing assistance, Medicare Part D low-income subsidy



Definition of public charge

CURRENT

An immigrant "likely to become primarily dependent on the government for subsistence"

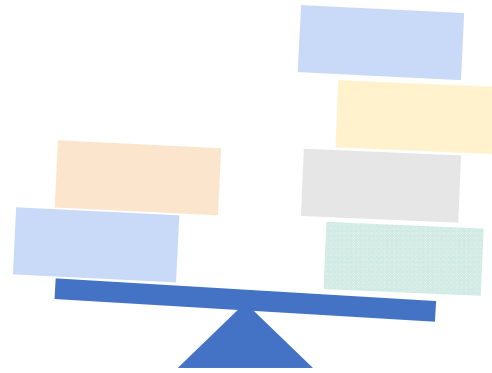
PROPOSED

An immigrant who is likely to "receive **one or more** public benefits"



Proposed Changes: Totality of Circumstances Factors

Age	Income and Financial Status
Health	Education and Skills
Family Status	Affidavit of Support



Public benefits included in NPRM

*Cash Support for Income Maintenance	*Long Term Institutional Care at Government Expense	**Most Medicaid Programs
Supplemental Nutrition Assistance Program (SNAP or Food Stamps)	Medicare Part D Low Income Subsidy	Housing Assistance (Public Housing or Section 8 Housing Vouchers and Rental Assistance)

* Included under current policy as well

** Exceptions for emergency Medicaid & certain disability services offered in school. DHS asked for input on inclusion of CHIP, but the program was not included in the regulatory text



Who would the proposed regulation harm?

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The Chilling Effect: The Big Picture

As many as **26 million** people in families with immigrants might be chilled from participating in programs that make their families healthier and stronger.¹

1 in 4 children have an immigrant parent²



¹Public Charge Proposed Rule: Implications for Non-Citizens and Citizen Family Members Data Dashboard," Manatt Health, October 2018
² Samantha Artiga and Anthony Damico "Nearly 20 Million Children Live in Immigrant Families that Could Be Affected by Evolving Immigration Policies" Kaiser Family Foundation, 2018

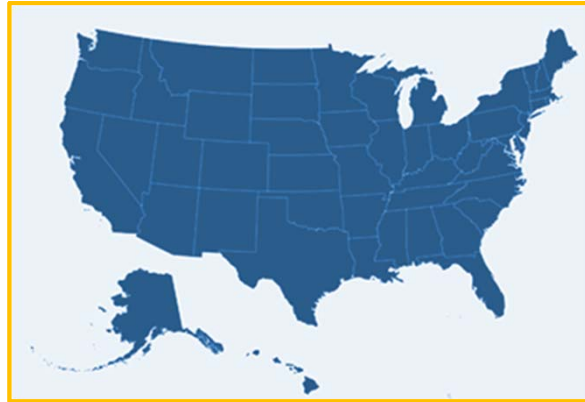
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The Chilling Effect: The Big Picture

Impacts by Race and Ethnicity:

- **18.3 million LATINOS**
 > 33.4% of all LATINOS
- **3.2 million ASIAN**
 > 17.4% of all ASIAN
- **1.8 million BLACK & AFRICAN**
 > 4% of all BLACK & AFRICAN
- **2.5 million WHITES**
 > 1% of all WHITES



Source: "Public Charge Proposed Rule: Implications for Non-Citizens and Citizen Family Members Data Dashboard," Manatt Health, October 2018



Review of the timeline



Public comment period ended

DHS must review and consider the more than 260,000 public comments submitted

This process could take months or even years to complete

A final rule posted to the Federal Register

A 60 day waiting period before the rule is in effect

The rule is in effect



How to Get Involved with PIF?

Join our Email List

Stay up-to-date on news, developments, and other threats that impact immigrant families and join our email list. Every Monday, we provide the state of play, advocacy opportunities, and new resources. To join go to: <http://bit.ly/PIFCampaign>

Become an Active Member

Join the hundreds of organizations working to protect immigrant families. There are no fees or work requirements to join as an Active Member, and you can participate in one of our many working groups and subcommittees. To join go <http://bit.ly/PIFActivemember>

Share Your Story

Everyone's voice matters in this fight - please share your lived experience. Go to <http://bit.ly/PIFstory> and we will follow up to have a more in-depth conversation. Your information will never be shared without your permission.

Take Action!

Be sure to check out our [Events](#) page for more opportunities to learn and take action to support immigrant families



The PIF Website

