

PUBLIC CHARGE: A NEW THREAT TO IMMIGRANT FAMILIES

Protecting Immigrant Families
Advancing our Future

WHAT IS PUBLIC CHARGE?

Part of federal immigration law for over a hundred years, the “public charge” test is designed to identify people who may depend on the government as their main source of support. If the government determines that a person is likely to become a “public charge,” it can deny a person admission to the U.S. or lawful permanent residence (or “green card” status).

The White House is now proposing to change this long-standing policy by broadly expanding the forms of public assistance counted when making a “public charge” determination. This would force immigrant families to make an impossible choice between meeting basic needs and keeping their families together in this country.

PUBLIC CHARGE RULE WOULD HARM HEALTH, WELLBEING OF MILLIONS

If finalized, Trump’s proposal would fundamentally change who we are as a nation—transforming us from a country that welcomes people who plan to work hard and achieve a better life, to one rigged in favor of the wealthy. It would also put the health and wellbeing of millions of people at great risk and violates our core American values. How you live your life and contribute to your community should define you in this country, not how you look or how much money you have.

The proposal would make—and has already made—immigrant families afraid to seek programs that support their basic needs. These programs help them stay strong and productive, and raise children who thrive. With about one in four children having at least one immigrant parent, this issue touches millions and is critical now and for our nation’s future.

HOW THE PUBLIC CHARGE RULE IS APPLIED TODAY

Under the current policy, the only benefits considered in determining who is likely to become a “public charge” are:

- Cash assistance such as **Supplemental Security Income (SSI)** and **Temporary Assistance for Needy Families (TANF)**.
- Government-funded institutional **long-term care**.

HOW PUBLIC CHARGE COULD CHANGE

If the rule is finalized in its proposed form, this would mark a significant and harmful departure from the current policy. For over a hundred years, the government has recognized that work supports like health care and nutrition help families thrive and remain productive. And decades ago, the government clarified that immigrant families can seek health and nutrition benefits without fearing that doing so will harm their immigration case. If this rule is finalized, we can no longer offer that assurance.

Benefits that could be considered in a “public charge” determination targets key programs that help participants meet their basic needs, such as:

- Non-emergency **Medicaid** (with limited exceptions for certain disability services related to education).
- **Supplemental Nutrition Assistance Program (SNAP)**.
- **Low Income Subsidy for prescription drug costs under Medicare Part D**; and
- Housing assistance such as **Section 8 housing vouchers**.



IF YOU WORK WITH IMMIGRANT FAMILIES, HERE'S WHAT YOU NEED TO KNOW

Some immigrant groups are not subject to “public charge.”

Some immigrants—such as refugees, asylees, survivors of domestic violence, and other protected groups—are not subject to “public charge” determinations and would not be affected by this proposed rule. The regulation also proposes to exclude benefits received by active duty servicemembers, their spouses and children. Public charge is also not a consideration when lawful permanent residents (green card holders) apply to become U.S. citizens.

Under the proposed rule, receipt of benefits by the individual—not family members—is considered.

Moreover, only the benefits listed in the proposed rule may be considered. Pell Grants, WIC, child care or other benefits not listed would not be considered. And the use of benefits by eligible children who are not applying for status themselves would not be considered under this proposal. We still expect that entire households will be harmed by the proposed rule, as there is no way to target individual immigrants without hurting children, families, and communities.

This is only a proposal. The rules governing public charge in the U.S. have not yet changed.

DHS must review all of the comments received before they can publish a final rule. The proposed rule makes it clear that these changes will apply only to benefits received after the rule is final. Even if the rules change, applicants for admission or permanent residence can still make their best case to show why they are not likely to become a “public charge” in the future. Using benefits now can help you become healthier, stronger and more employable in the future.

Each situation is different.

People with questions should consult an immigration attorney or BIA-accredited representative about their individual case. This online directory can help you search for local nonprofits that provide legal help and advice: immigrationlawhelp.org.

FIGHT BACK!

Once the proposed rule is published in the Federal Register, the public will have an opportunity to submit comments before it's finalized. Tell President Trump that we will not stand by, while he attempts to punish parents for feeding their kids or taking them to the doctor.

Let the government know that this rule would harm you, your family, community and the country. Join us in submitting comments to oppose this proposed change. Organize your networks, your neighbors, and your family to weigh in and do the same.

The Center for Law and Social Policy (CLASP), National Immigration Law Center (NILC), and groups all over the country are closely monitoring and are fighting the public charge rule change. For more information and more resources, go to ProtectingImmigrantFamilies.org.

We need to be strong because the stakes are high. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services, and support they need to remain healthy and productive.

