

Proposed Public Charge Rules Will Harm Families and Communities. Get Ready to Fight Back!

The federal Department of Homeland Security (DHS) has drafted changes to “public charge” rules. If these rules take effect, it will be easier for immigration officials to deny some immigrants a green card or admission to the U.S. if they or their families receive public benefits.

These rules will not apply to all immigrant families, but confusion and fear may cause even those exempt from public charge to lose access to the benefits they are eligible to receive. Whether families are cut off from essential services like health care or nutrition assistance because of an actual risk or a perceived risk of immigration consequences, the effects will be devastating for families and communities.

DHS’s proposed rules could be released any day. Once they are released, there will be a short 30-60 day period for submission of comments. Comments play an important role in fighting these rules and anyone can submit them. **Be prepared to fight back and submit comments opposing these rules as soon as they are published!**

What is public charge?

Public charge has been in immigration law for decades. Certain groups of immigrants are subject to the public charge test. Immigrants who are subject to this test and who are found to be public charges can face immigration consequences, such as having a green card application or visa application denied.

- ◆ ***Many immigrants are exempt.*** Federal law exempts many people and DHS’s new rules cannot change these exemptions. The following people are not subject to public charge when applying for status or green cards: refugees; asylees; survivors of trafficking, domestic violence, or other serious crimes (T or U visa); VAWA self-petitioners; special immigrant juveniles; and certain others. People with green cards cannot be denied U.S. citizenship and cannot be denied reentry to the U.S. after trips abroad of less than 180 days because of a public charge determination. U.S. citizens cannot lose U.S. citizenship because of a public charge determination.
- ◆ ***Receipt of public benefits alone cannot make someone a public charge.*** Federal law requires immigration officials making public charge determinations to consider all of an immigrant’s circumstances, including income, resources, age, family, and health. DHS’s new rules cannot change this.



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What would DHS's proposed public charge rules do?

Under current policy, receipt of cash welfare (TANF and SSI) or Long-Term Care Medical Assistance (for nursing home care, for example) can be considered by immigration officials making public charge determinations. No other benefits can be considered. This policy has been in place for decades and is still in effect today.

If DHS's proposed rules take effect, receipt of many other benefits, including SNAP (formerly food stamps), Medical Assistance (non-Long-Term Care), CHIP, LIHEAP, WIC, and Marketplace subsidies would be considered during a public charge determination. Receipt of these benefits by an immigrant or their family members, including their U.S. citizen children, would be considered. These rules are not in effect now, will not be in effect for months at least, and may never take effect.

If they take effect, DHS's proposed rules will threaten the health and safety of families, workers, and communities.

Heavy restrictions on immigrant eligibility for benefits have been in place for decades. Many immigrants with lawful status are ineligible and many must wait five years before becoming eligible. The new rules would, either by policy change or chilling effect, make access to benefits even more difficult for the immigrants who are eligible to receive them and for the U.S. citizens who are members of immigrant families.

There will be working families, people with disabilities, children and pregnant women who will lose access to health care, nutrition assistance, and other essential services they might need when struggling to make ends meet. When we cut off large portions of our communities from access to basic services, the consequences are more costly - in terms of human lives and taxpayer dollars - than providing services in the first place.

Be prepared to take action in opposition to DHS's proposed rules!

When DHS's proposed rules are published, there will be a short 30-60 day period of time when you can voice your opposition. The Protecting Immigrant Families (PIF) Campaign is preparing for strong opposition. PIF will provide analysis of the new rules and information about how to submit comments. Check out PIF campaign materials and sign up for PIF updates here: <https://www.clasp.org/protecting-immigrant-families-campaign-resources>



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