



# Protecting Immigrant Families - Illinois

Working to defend access to basic needs programs for all

Updated: April 19, 2018

## The Trump Administration’s Latest Attack on Immigrant Families: An Expanded “Public Charge” Test

Leaked drafts show that the Trump Administration is preparing to issue a federal rule that threatens access to basic needs programs—like food, medical, and housing assistance—for millions of immigrant families in Illinois and nationwide. This violates our nation’s most basic values and betrays the immigrant heritage we share. Join the Protecting Immigrant Families - Illinois coalition to resist!

### What is the public charge test now?

To become a legal permanent resident (LPR) or “green card” holder, a person must show that they are unlikely to become a “public charge” in the future.

A person can be considered a public charge if they are receiving cash assistance (including Temporary Assistance for Needy Families, Supplemental Security Income, and General Assistance) and/ or if they are institutionalized for long-term care at government expense. The Trump Administration wants to drastically expand the list of programs included in public charge determination to those like Medicaid and SNAP (see back for more details).



### Who does the public charge test apply to?

Immigrants seeking entry into the U.S. or seeking to become Legal Permanent Residents (LPRs) (i.e., “green card” holders) mainly through family-based petitions and their family members, among others.

The public charge test **does NOT apply** to: LPRs applying for U.S. citizenship; refugees; asylees; survivors of trafficking; self-petitioners under the Violence Against Women Act; people applying for or re-registering for Temporary Protected Status (TPS); and several other categories of noncitizens. These exceptions are written in the law; the proposed rules cannot change them.

## Help us resist!

- Join the Protecting Immigrant Families - Illinois campaign
- Speak out against the new proposed public charge test
- Submit comments when the new proposed rule is released
- Gather stories about how immigrant families will be impacted

For more information, message us at [pifillinois@povertylaw.org](mailto:pifillinois@povertylaw.org)

# How is the Trump Administration proposing to change the public charge test?

- Dramatically expanding the types of public assistance that are taken into consideration (see list below)
- Including public benefits used by family members, **including U.S. citizen children**, when making a public charge determination
- Defining "public charge" as someone likely to use any of these programs at any time

**Note:** The most recently leaked draft rule would not apply retroactively in the case of benefits not previously considered for public charge purposes. The leaked draft could change before it is formally proposed.

Public benefits currently considered:	Public benefits added in new rule:
<ul style="list-style-type: none"> <li>• Cash Assistance: Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), General Assistance (GA)</li> <li>• Institutionalization for long-term care at government expense</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable Care Act/Obamacare (federal subsidies/ tax credits)</li> <li>• Earned Income Tax Credits (EITC)</li> <li>• Food Stamps (SNAP program)</li> <li>• Women, Infants and Children program (WIC)</li> <li>• Medicaid (including All Kids, Moms &amp; Babies)</li> <li>• Housing assistance</li> <li>• Energy assistance benefits</li> </ul> <p><b>Note: This list is not exhaustive.</b></p>

## How will this harm immigrant families in Illinois and around the country?

- Increases fear, anxiety, and confusion in immigrant communities
- Will cause parents and children to forgo critical assistance for fear of being targeted for deportation, putting them at greater risk of falling into poverty
- Effectively creates an income test for LPR applicants

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