

Public Charge: A Harmful Proposal That Will Deepen Poverty for Millions of Immigrant Families

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 for (or “green card” status).

On October 10, the Department of Homeland Security (DHS) proposed to change this long-standing policy by excluding anyone who is likely to use certain health care, nutrition or housing programs in the future. The proposed test adds specific standards for income, health, age and even English proficiency, and expands the forms of public assistance that are counted in a “public charge” determination.

The new public charge proposal will keep millions from getting the nutrition, health care and housing help that will help them work and get out of poverty.

If finalized, the 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 ignores decades of evidence that people who had the help of food stamps (now known as SNAP) as children grow up to be healthier, go farther in school, and earn more as adults. Similarly, families with housing assistance and Medicaid are more able to work steadily and earn enough to get out of poverty. It is part of our national heritage that immigrants come to this country with little, but work hard and do better over time. This proposal would make it harder for poor immigrant workers to progress. 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 help them stay strong and productive and raise children who thrive. About 26 million people could be harmed by this proposal, including one in four children with at least one immigrant parent (18 million children). These children are our future; assuring their healthy development will benefit us all for decades to come.

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), Temporary Assistance for Needy Families (TANF), and comparable state or local programs.
- Government-funded long-term institutional care.

How Public Charge could change?

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

The new 'public charge' proposal targets key programs that help participants meet basic needs, such as:

- Non-emergency Medicaid (with limited exceptions for certain disability services related to education)
- Supplemental Nutrition Assistance Program (SNAP, formerly known as "food stamps")
- Low-Income Subsidy for prescription drug costs under Medicare Part D
- Public Housing Section 8 Housing vouchers and Project-Based Section 8.

Still worse, in assessing whether a person is likely to become a "public charge," the new proposal would negatively weight prior use of benefits, illness or disability, young or old age, and low income. Many conditions that can be managed or overcome with supports like Medicaid would likely result in denial of a green card. It will be very hard for grandparents to be allowed to enter the country, even though their joining the family will help with child care. Only people with incomes higher than the national median are assured of passing the "public charge" test.

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 if they are seeking status through those pathways. Public charge is also not a consideration when lawful permanent residents (green card holders) apply to become U.S. citizens.

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

Federal law requires DHS to obtain comments from the public and to review and respond to the comments before it publishes a final rule. These changes will apply only to benefits received after the rule is final. Using benefits now can help people become healthier, stronger and more employable in the future.

FIGHT BACK BY SUBMITTING COMMENTS!

Public comments are due by December 10. The **Protecting Immigrant Families** campaign, under the leadership of the Center for Law and Social Policy (CLASP) and the National Immigration Law Center (NILC), is working with groups all over the country to encourage groups and individuals to submit comments.

Comments are extremely important because the Department of Homeland Security is legally bound to review them, and especially because the comments provide a record that is consulted by attorneys and courts when lawsuits are brought against the Administration's proposals. A federal judge ruling against Kentucky's proposed Medicaid work requirements recently said that he made use of comments submitted in forming his opinion. Comments will be important here too.

You can submit comments as an individual or representing an organization.

For individuals, your comments can be brief or detailed. To submit a comment today, please visit ProtectingImmigrantFamilies.org for information and resources.

To download the sample text for brief comments, click [here](#). To submit your comments, click [here](#).

For organizations and professionals, detailed comments are very helpful. A detailed set of sample comments showing how the proposed rule would worsen poverty is available [here](#). You will need to insert sentences from your own perspective, experience, or expertise – DHS will not count comments separately if many people simply submit the same text. The sample comments also give you optional content to make it easier to vary your comments. There is a **5000-word limit** to your comment.

To download the sample detailed comments, click [here](#). (The file will appear on the lower left of your screen.)

To file the detailed comments, click [here](#). (You can paste part of the comments in the box provided, but the full comments will need to be attached – follow their instructions.)