PUBLIC CHARGE COMMUNITY EDUCATION SHEET

WHAT DOES PUBLIC CHARGE MEAN?

Public charge is the term used by immigration officials to refer to people who rely on government assistance to primarily support their cost of day-to-day living. Today, officials look at a variety of factors in deciding whether a person is likely to become a public charge, but the only public benefits that they consider are cash assistance programs, such as Temporary Assistance for Needy Families, and long-term nursing home care paid for by the government.

The rules governing public charge in the U.S. have not yet changed. However, the Department of Homeland Security (DHS) wants to make the public charge test stricter and weigh certain factors more heavily such as age, income, health conditions, and English language proficiency. It also seeks to add some health, nutrition and housing programs to the list of benefits it considers. These include:

- Non-emergency Medicaid
- Medicare Part D Low-Income Subsidy (which helps low-income seniors afford prescription drug coverage)
- Supplemental Nutrition Assistance Program (SNAP) or food stamps
- Section 8 housing vouchers and subsidized public housing

HOW MIGHT THIS CHANGE?

The proposed changes will affect:

- People who are applying to be lawful permanent residents (LPR or Green Card holders) inside the U.S.
- People who are LPRs but have been out of the country for more than 6 months and are seeking to come back to the U.S.
- Nonimmigrant visa holders (i.e. students, tourists, temporary workers) who would like to stay longer or change to a different visa
- Foreign nationals seeking entry or reentry into the U.S.

The proposed changes will NOT affect:

- People who are applying for citizenship
- People who have become citizens

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It also DOES NOT affect certain groups of immigrants, including:

- Refugees
- Asylees
- Survivors of trafficking, domestic violence, and victims or witnesses of serious crimes (T or U visa applicants/holders)
- Violence Against Women Act (VAWA) self-petitioners
- Special immigrant juveniles
- Certain other immigrants who have a special relationship with the U.S. or came here under certain humanitarian programs

The proposed changes were published in the Federal Register on October 10, 2018 and the public will have an opportunity to provide feedback in writing for 60 days during a process called the public comment period. The government is required to review any unique comments and respond to them before deciding on the final rule. In total this process can take several months or more. You should continue to stay enrolled and use health, nutrition and housing programs that are important for your health and well-being. Right now, nothing has changed in the U.S. and only cash assistance and long-term nursing home care can be considered as one of many factors when reviewing whether a person is likely to become a public charge.

Many factors are reviewed by immigration officials when considering if a person might become a public charge, including age, health, assets, income, family status, education and skills. The decision must be made based on a person’s individual situation, considering many different factors rather than only one factor, such as whether you have used any public benefits.

Share your story. You can write a letter which you can send during the public comment period at: bit.ly/AAAJ-public-charge. Since it is more likely that DHS will have to respond to your comments if it is different from others, add your own story and reasons why the proposed changes will affect you or your family, to the sample letter on the website. The Federal Register website only accepts letters in English and if you are more comfortable writing your letter in another language, it will need to be translated into English before you submit it.

You can also contact your Congressional representative at (202) 224-3121 to share why many of these health, housing and nutrition programs are important to you and your family, how these changes may affect you, and your opposition to these changes. Encourage your neighbors, family and friends to make their voices heard too. We will work together to fight back and oppose these rules that will harm our families and our communities.