



## Health Care Practice Tip November 2018

### What we can do about the proposed "public charge" rule

With the **December 10, 2018 deadline** fast approaching, now is the time to weigh in on the **Trump Administration's harsh [proposed rule change](#) on public charge** if you or your organization has not yet done so.

#### What's at Stake/Background

Part of U.S. immigration law for over a hundred years, the federal government conducts a "public charge" assessment to determine whether a person seeking admission to the U.S. or applying for lawful permanent residency (a green card) will depend on the government as their primary source of support. If the government determines so, it may deny admission or application for lawful permanent residency.

The proposed rule seeks drastic changes to current public charge policy in three main ways:

1. Changing the definition of "public charge" to someone "who receives one or more benefits," instead of someone "primarily dependent on the government for subsistence,"
2. Adding new benefit programs such as Medicaid, SNAP, Section 8 housing assistance to those currently considered (e.g., federal cash benefits, long term care through Medicaid) for public charge assessment, and
3. Taking the totality of circumstances test currently applied in public charge determination and weighting certain factors deemed negative more heavily, such as having a lower income, not speaking English well, or being a child or a senior.

See our [FAQ Public Charge guide](#) for more detailed information on current public charge policy and the proposed changes.

In short, if adopted, the proposed changes to public charge policy will force people to choose between joining their family and loved ones and receiving critical health care services and food, and will prevent many more people from attaining legal permanent residency status than under current policy. The rule would also penalize affected families earning less than \$63,000 a year (for a family of four) and would disproportionately harm people of color.

#### Two Ways to Help

##### 1. Stop the rule

Western Center will soon join the tens of thousands of individuals and organizations that have already submitted comments opposing the proposed rule. We urge everyone and every organization and agency that serves people, families, and communities that will be harmed by the rule to do the same. **Visit the [Protecting Immigrant Families Resources page](#) Notice and Comment section for information and guidance on how to comment most effectively.**

##### 2. Help your community now

At the same time, **it is critically important to educate and counsel the families and individuals we serve, many of whom are understandably fearful, about the public charge proposed rule so they do not forego needed medical care and health services, nutrition and other critical supports based on inaccurate information.** We must let them know that:

- **The rule is not final and has not gone into effect** and that even if it does become final, there will be at least 60 days before it takes effect during which those affected

can make decisions about the public benefits and supports they receive or are eligible for.

- **There are many groups to which public charge does not and will not apply** including green card holders, refugees, and asylees.
- **The rule, even if adopted, would not apply to receipt of many types of benefits** such as disaster relief and school breakfast and lunch.

Go to our [FAQ sheet](#) for more detailed information on that status quo on public charge and what the proposed rule, if adopted, would and would not do.

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*If you have any questions about this practice tip, please contact Mona Tawatao at [mtawatao@wclp.org](mailto:mtawatao@wclp.org).*

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