



Update: Changes to the Public Charge Rule

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What is Public Charge?

Is it how the government can find out where I am?

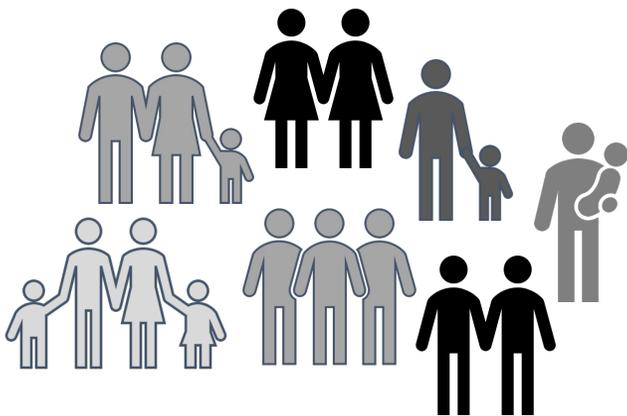
Does it mean that if my children use health care, I will be deported?

What is it?

I think it means I should get off of benefits now.

I think it means my family cannot access any benefits.

Does it mean that if use public benefits, I won't qualify to become a citizen?



Public Charge Timeline



Leaked Executive Order

Changes to the Foreign Affairs Manual (FAM)

DHS published a proposed rule for a 60 Day comment period

The final rule went back to OMB for final review

A final rule posted to the Federal Register

60 day waiting period before rule is in effect

New DHS public charge changes are scheduled to go into effect



The History of Public Charge Requirement

The public charge doctrine used to exclude immigrants goes far back as the 1880s

In the same year, U.S. passed the public charge rule and Chinese Exclusion Act

WHO WILL BE AFFECTED BY THE CHANGES IN PUBLIC CHARGE ?



Public Charge Rule

H1B, H4, L1, L2 Impact



GREEN CARD APPLICANTS

TEMPORARY VISA APPLICANTS

WHO IS
EXEMPTED
FROM
PUBLIC
CHARGE?

-
- Refugees and asylees
 - Survivors of trafficking (T visa) and other violent crimes (U visa)
 - Individuals who have experienced domestic violence under the Violence Against Women Act (VAWA)

And other special categories.

Three Changes to the Public Charge Rule

New definition of “public charge”

Additional public benefits included

Totality of circumstances test has new detailed negative factors that make it harder for low and moderate income people to pass

Public Charge Definition Changes

Current definition: Someone who is likely to become primarily dependent on the government to support themselves.



New Rule: An immigrant “who receives one or more public benefits . . . for more than 12 months in the aggregate within any 36-month period.”

Public Benefits Considered

Before

- Cash assistance (SSI, TANF, other)
- Institutional Long-Term Care (Medicaid funded nursing home care)

After

- Cash Assistance (SSI, TANF, other)
- Institutional Long-Term Care (Medicaid funded nursing home care)
- Food assistance (SNAP, Basic Food, Food Stamps, EBT Card)
- Housing Assistance (Federal Public Housing, Section 8)
- Some Medicaid health coverage (see exceptions!)

Exceptions – Medicaid Benefits NOT Considered in Public Charge Test

Children and Teens

Apple Health / Medicaid benefits received by children and adolescents under age 21 will not count.

Pregnancy Medical

Medicaid benefits received by women during pregnancy and in the 60-day postpartum period and family planning only Medicaid will not count.

Emergency Medicaid

Alien Emergency Medicine (AEM), hospital services for an acute medical emergency, will not count.

Other Benefits that are NOT considered

CHIP - Children's Health Insurance Program	WIC – Supplemental Nutrition	MSP – Medicare Savings Program / Medicare Part D Subsidies
School nutrition services such as free lunch and breakfast before the bell.	Tax Credits such as ACA premium tax credit, earned income tax credit	Public health services such as immunizations, TB and STD clinics
Earned benefits such as unemployment, social security retirement, workers compensation	Military benefits used by members of the military, Ready Reserve, and their spouses and children	BCCHP – Breast Cervical and Colon Cancer Health Program.

Totality of Circumstances

Changes to the Totality of the Circumstances Test Impacting Children	
Age	↓ Under age 18
Health	↓ Medical condition that will interfere with ability to attend school
	↓↓ Medical condition that will interfere with ability to attend school and no private health insurance
Family status	↓ Large household size
Assets, resources, and financial status	↓ Family income below 125 percent of FPL
	↑↑ Family income above 250 percent of FPL
	↓ Past application for or receipt of listed public benefits
	↓↓ Prior receipt of listed public benefits for more than 12 months in the aggregate in any 36-month period
	↑↑ Covered by private, nonsubsidized health insurance
Education and skills	↓ Lack of IRS wage data, credit history, and high school diploma
	↑ Proficiency in English

Review: Three Changes to the Public Charge Rule

New definition of “public charge”

Additional public benefits included

Totality of circumstances test has new detailed negative factors that make it harder for low and moderate income people to pass

Time and Key Consideration

October 15th - New rule will go into effect, unless lawsuits cause further delay.

Not retroactive - Use of any programs (other than cash or long-term care) used before October 15, 2019 will not be considered.

Benefits used by family members don't count - Programs used by your U.S. citizen children will not be used against you.

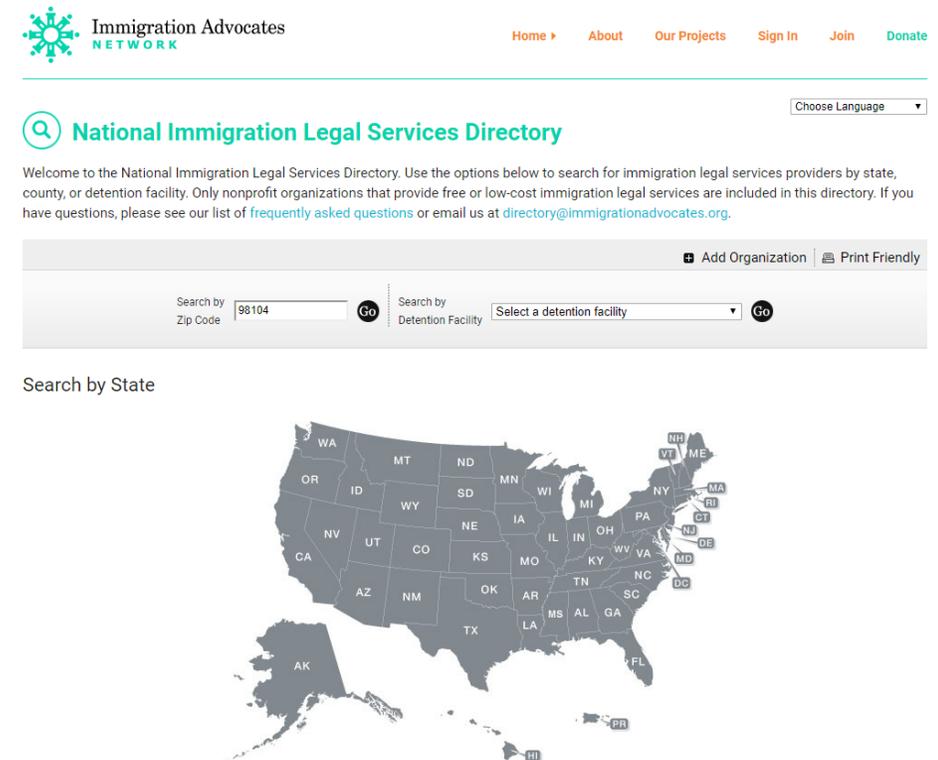
Making the Right Choice For Your Family

Every person's situation is different, and the programs that help your family might not even be part of the new changes.

Immigrants who are concerned about the impact of using public benefits on their immigration case should get advice from a trusted immigration attorney or DOJ accredited representative.

An immigration attorney familiar with this issue can give you advice based on your specific situation. Local non-profits may also be able to provide help and legal advice. For free or low cost options see legal resources on the last slide and visit:

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.



The screenshot shows the website for Immigration Advocates Network. The header includes the logo and navigation links: Home, About, Our Projects, Sign In, Join, and Donate. Below the header is a search bar for the National Immigration Legal Services Directory, with a language selection dropdown. A welcome message explains the directory's purpose and provides contact information. Below the message is a search interface with fields for Zip Code (98104) and Detention Facility (Select a detention facility), each with a Go button. There are also links for Add Organization and Print Friendly. At the bottom, there is a map of the United States labeled "Search by State" with state abbreviations.

Local legal resources

- Seattle - King County Immigrant Legal Defense Network:
<https://www.seattle.gov/iandraffairs/programs/legal-defense-fund-and-network>
 - Northwest Immigrant Rights Project: **206-816-3870**
 - Asian Counseling & Referral Service: **206-695-7600**
 - West African Community Council: **206-636-9882**
 - Entre Hermanos (focus on LGBTQ individuals): **206-322-7700**
- Northwest Justice Project CLEAR Hotline:
 - Inside of King County, weekdays 8am-6pm: **2-1-1**
 - Outside of King County, weekdays between 9:15am-12:15pm: **1-888-201-1014**
- Seniors age 60+ statewide: **1-888-387-7111**
- Eastside Legal Assistance Program (Eastside residents only): **425-747-7274**

All are welcome here

Public Health Centers are “designated private areas”
That means they are sensitive locations, and we do not allow immigration agents inside our clinics without a judicial warrant.

We welcome all, regardless of their race, ethnicity or immigration status. We protect the privacy of all clients, and we do not collect information about immigration status.

Public Health
Seattle & King County 



Todos son bienvenidos aquí. Estamos orgullosos de servir a inmigrantes, refugiados y todos los que viven en el Condado de King. Spanish

歡迎光臨！我們竭誠為所有移民、難民以及金縣所有居民服務 Traditional Chinese

Tất cả mọi người được chào đón ở đây. Chúng tôi hân hạnh phục vụ những người nhập cư, tị nạn và tất cả những ai sống ở Quận King. Vietnamese

Dhamaan ku soo dhawaada halkaan. Waxaa sharaf inoo ah in aan soo dhaweyno dadka Ajnabiga, Qaxootiga iyo dhamaan dadka ku nool Degmada King. Somali

Добро пожаловать к нам! Мы с гордостью обслуживаем иммигрантов, беженцев и всех, кто проживает в округе Кинг. Russian

الجميع مرحب بهم هنا .
نفخر بخدمة المهاجرين واللاجئين وكل سكان مقاطعة كينج. Arabic

Ласкаво просимо усіх! Ми з радістю обслуговуємо іммігрантів, біженців, а також всіх, хто мешкає в окрузі Кінг. Ukrainian



ALL ARE WELCOME HERE.

We proudly serve immigrants,
refugees, and all who live
in King County.

