

## Assister Update on “Public Charge” and Talking to consumers in mixed-immigration families

- ★ **What is the new public charge rule?** It’s a new U.S. Department of Homeland Security rule that would—if it takes effect—make it harder for people to go through the lawful immigration process and get a green card (also known as Lawful Permanent Resident status or LPR). The rule governs when immigration authorities can turn down a person’s application for lawful immigration status, if they would rely too much on government support, what historically was known as being a “public charge.”  
Released as a *proposed* federal rule in October 2018, the new “*final*” version was published 8/14/2019 and was set to take effect on 10/15/2019, **but five different courts issued injunctions that stopped the rule from taking effect**, and three of those injunctions are nationwide.
- ★ **That means the policy on public charge decisions within the U.S. has not yet changed—Federal Courts have blocked the proposed rule changes for now.** There is no way to know how long we will wait before a decision is final; the U.S. courts could completely stop the rule, or they could let it take effect some day in the future. **Immigrants can continue to receive the key health care, nutrition, and housing programs that help them and their families thrive.**
- ★ Remember, **not all immigrants are affected by the public charge test**: refugees, asylees, survivors of domestic violence, human trafficking or other serious crimes, special immigrant juveniles, are not subject to this rule when they enter the U.S., or when they apply for a Green Card later on.
- ★ Also, Lawful Permanent Residents (LPRs, Green Card holders) are **not** subject to a repeat of the public charge test when they go apply for U.S. citizenship, **or** when they renew their Green Card.

### **If the proposed rule ever does take effect in the future:**

- ★ Except for cash assistance and long-term institutional care, benefits used before the day the rule takes effect **will not be considered** in the Green Card application process. Using benefits, like SNAP and Medicaid now—*before the rule has taken effect*—could help you or your family members become healthier, stronger, and more employable in the future.
- ★ The proposed new rule **would not penalize a Green Card applicant** for using:
  - ACA subsidies (premium tax credits or cost-sharing reductions)
  - Medicaid for children or the Children’s Health Insurance Program (CHIP);
  - Medicaid or CHIP for Pregnancy care
  - Medicaid or other help for emergency medical care
  - **Or any other public benefit not specifically listed in the rule (see below)**
- ★ The proposed new rule would **only** look at these benefits :
  - SNAP (food stamps)
  - Housing Assistance ((Public Housing or Section 8 Housing Vouchers and Rental Assistance)
  - Cash assistance (Federal, State, Local or Tribal)
  - Medicaid for adults who are not pregnant (and not in an emergency)

- ★ The public charge test looks at all the person’s circumstances, weighing positive factors against any negative ones (age, health, education, income, skills, employment, family situation, and affidavit of support). The prior use of benefits by the individual applying for a green card would not necessarily cause someone to be determined a public charge if they had other positive factors.
- ★ Get help deciding what’s best for your family and, **if you aren’t sure if the Public Charge applies to you**, consult a Board of Immigration Appeals–accredited representative at an Immigration Legal Services organization or with an immigration attorney about your own situation.
- ★ *The links below provide Texas referrals for consumers to get qualified advice.*

### List of Texas Immigration Legal Services Providers:

**Statewide:** <https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=TX>

**Houston-area Immigration Legal Services and walk-in clinics:** 1-833-HOU-IMMI; [Immigration Legal Services Referrals \(English\)](#) ; [Immigration Legal Services Referrals \(Spanish\)](#) (last updated September 12, 2018)

Help in more languages is available at 1-833-HOU-IMMI



### Good Materials to share with Consumers:

**Public Charge: Does this apply to me?** Updated October 24, 2019\*

(See how ‘public charge’ will impact you based on your immigration status, and what you should do – PIF)

**You Have Rights – Protect Your Health** Updated October 24, 2019\*

(An overview for mixed-status families when it comes to going to the doctor or enrolling in health insurance – PIF)

**Should I Keep My Kids Enrolled in Health & Nutrition Programs?** Updated October 24, 2019\*

(Use this guide to help answer commonly asked questions about how to make good decisions for your family and their health – PIF)

This fact sheet is available in Spanish.