Update: Changes to the Public Charge Rule

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What is Public Charge?

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

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

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?

What is it?

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

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**

<table>
<thead>
<tr>
<th>Before</th>
<th>After</th>
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<tbody>
<tr>
<td>• Cash assistance (SSI, TANF, other)</td>
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<tr>
<td>• Institutional Long-Term Care (Medicaid funded nursing home care)</td>
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<td></td>
<td>• Food assistance (SNAP, Basic Food, Food Stamps, EBT Card)</td>
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<td></td>
<td>• Housing Assistance (Federal Public Housing, Section 8)</td>
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<td>• Some Medicaid health coverage (see exceptions!)</td>
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</tbody>
</table>
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

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

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

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/.
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.
ALL ARE WELCOME HERE.

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

King County