

Public Charge – talking points for PHSKC employees to use with concerned clients

Background (What is “public charge”?):

- The federal government intends to change what is known as the “public charge” test.
- **Public charge affects primarily people who are seeking to obtain a green card (legal permanent resident) or apply to enter the United States.**
- Public charge policy requires **immigrants applying for a green card (or for a visa to enter the U.S.)** to show they are not likely to depend on the government for subsistence. (The policy does not apply to refugees, asylees, or people with certain other special statuses.)
- In the past, the policy only considered *cash assistance* as evidence of being dependent on government, such as Temporary Assistance for Needy Families (TANF) or government funded institutional (nursing home) care.
- **The new rule** (effective Oct. 15, 2019) expands and re-defines the list of what can be considered – to include some *noncash* benefits. It *could* deny green cards for some people who access Medicaid, SNAP (food stamps), and some types of housing assistance.
- **The new rule does not include WIC, medical benefits for children under 21, or pregnant women.**

Disclaimer: this is general information and is not legal advice. If someone has case-specific questions, they should seek a trusted immigration attorney or DOJ accredited representative. See p.2

TALKING POINTS – What you can say to concerned clients:

- At this point, current law has not changed. The new rule is effective Oct. 15, 2019, and lawsuits could cause further delays.
- The new rule would apply *only* to benefits received *after* the effective date (Oct. 15). The rule would not consider services received today. It is not retroactive.
- **The rule does NOT INCLUDE WIC** (but it does include SNAP/food stamps).
- **The rule does NOT INCLUDE women and children in FIRST STEPS, Pregnancy Medicaid or Family Planning Only Medicaid** (but the rule does include other *adult* Medicaid services).
- The proposal would **not** penalize parents whose children are US citizens and enrolled in programs. The rule does not count the use of benefits by a person’s family members.
- This proposal would **not** change eligibility requirements for public benefits programs.
- At this point, there may be no reason for people to stop benefits that they or their families currently receive legally.
- The rule does not apply to refugees, asylees, and people who have humanitarian visas.
- **Each person’s situation is different:** Immigrants who are concerned about the impact of using public benefits on their immigration case should get advice from an immigration attorney or accredited representative (contact Northwest Immigrant Rights Project).
- Please know, our 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.

Additional materials - please see p. 2

Additional materials and resources for clients (for these and other updated materials, please also see the [PH intranet](#)):

- “Know Your Rights” wallet-sized brochure available from the ACLU (multiple languages)
- For any **legal questions**, you may refer clients to Northwest Immigrant Rights Project (206-587-4009, <http://www.nwirp.org>), or to the Immigration Advocates’ resources (<https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=WA>)
- Washington DSHS has **translated** a fact-sheet into 12 languages, available at DSHS website - <https://www.dshs.wa.gov/esa/office-refugee-and-immigrant-assistance>.

What can be done about the rule?

The State of Washington and other local governments and private organizations have filed lawsuits to attempt to block the rule from being implemented.

More than 260,000 people submitted comments to the federal government when the rule was proposed. Some changes were made to the proposal. You can read the comments submitted in 2018 by King County leaders on behalf of Public Health—Seattle & King County at the *Public Health Insider*:

publichealthinsider.com/2018/12/06/protecting-immigrant-families-is-a-public-health-priority-read-king-countys-official-comment-letter/

Encourage concerned people to know their rights. Share the “Know Your Rights” brochure.