



King County

PUBLIC CHARGE COMMUNITY TOOLKIT

King County Office of Equity and Social Justice

February 24th, 2020



King County

Dow Constantine

King County Executive

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Dear Community,

We are making King County a welcoming community where every person can thrive. We have worked hard to pass and implement laws and policies to ensure that immigrants and refugees are able to take transit to appointments, get children immunized, seek justice in court, and do all the things we all need to do for King County to be a safe, strong, prosperous community. We choose unity over division and hope over fear.

The Trump Administration's "public charge" rule represents yet another attack against the most vulnerable among us. The rule aims to ban immigrants from attaining legal status based on whether they received certain benefits. As a result, it disproportionately impacts people with lower incomes and, those from nations less wealthy than our own.

The United States, at its greatest, lives up to a moral commitment and legal duty to protect all people. The Trump Administration's attempt to reverse this tradition is unprecedented and unconscionable. I strongly condemn the implementation of the public charge rule, and I affirm that King County will continue to stand strong for humanity and decency, and against hate and bigotry.

We are committed to upholding our core American values by welcoming and protecting our neighbors.

In solidarity,

INCLUDED IN THIS TOOLKIT

Overview

Common Questions

Additional Resources

Media Materials

OVERVIEW

On October 10, 2018, the U.S. Department of Homeland Security (DHS) published a notice of proposed rulemaking, and proposed a new rule entitled Inadmissibility on Public Charge Grounds. During the 60-day comment period, DHS received over 266,077 comments on the proposed rule, the vast majority of which, including this letter from King County elected leaders, were in strong opposition. On August 14th, 2019, DHS published the Inadmissibility on Public Charge Grounds final rule. On October 11th, 2019, judges in three states, including Washington State, ruled against the policy, issuing temporary injunctions because the new rule would impose serious impediments to legal residency for those who use benefits such as Medicaid or those deemed likely to use them in the future. The case moved to the to the U.S. Supreme Court on appeal. On January 27, 2020, the U.S. Supreme Court allowed the Trump administration to enforce “public charge” immigration rule. US Citizenship & Immigration Services (USCIS) [announced](#) the new rule will go into effect on or after February 24th, 2020 and will apply to green card and visa applications. Medicaid, SNAP (“Food Stamps”), HUD public housing, and “Section 8” housing benefits received before February 24, 2020 will not be considered in the public charge determination.

“Public charge” or the “public charge test” was designed to identify people who may depend on the Government as their main source of support. Government support, under the old rule, included only cash assistance and long-term care. Under the new rule, if the Government determines that a person is “likely at any time to become a public charge”, it can deny a person admission to the U.S. or lawful permanent residency (LPR). The determination of whether a person will become a public charge is

based on a “totality of circumstances” assessment including the applicant’s age, health, family status, income and resources, education and skills, and the validity of an affidavit of support.

The new rule redefines a “public charge” as a non-citizen who receives one or more of the specified public benefits, for more than 12 months in the aggregate within any 36-month period. Under the new rule, immigration officials will look more closely at factors such as health, age, income, skills (including English language skills), and the use of more public programs including: Supplemental Nutrition Assistance Programs (SNAP, EBT, or Food Stamps), Federal Public Housing and Section 8 Assistance, Medicaid (except emergency services, children under 21 years, pregnant women and new mothers), and cash assistance programs (such as SSI, TANF, and General Assistance). Services that are NOT included in the new public charge test include Women, Infant and Children (WIC) Children’s Health Insurance Program (CHIP), school lunches, food banks, shelters, and many more. These programs are safe to use if you are eligible.

When it takes effect, the new rule will make it much harder for low- and moderate-income immigrants to obtain Legal Permanent Resident (LPR) status. It has made immigrants more fearful of receiving critical support such as health care and nutrition programs that they need to thrive and remain productive. Every family is different and the programs that help your family might not even be part of the new changes. It is advisable to consult with an immigration attorney or local non-profit to get legal advice and help.

Please note: If you are applying for lawful permanent residency in the U.S. right now, use of the non-cash benefits listed above will not be counted in a public charge test. The rule will also not count any programs (other than cash or long-term care) used before the new rule goes into effect. Programs used by your U.S. citizen children will not be used against you.

5 THINGS TO KNOW ABOUT PUBLIC CHARGE

SOURCE: Protecting Immigrant Families – Washington

1. Public charge primarily affects people who are seeking lawful permanent resident (LPR) status (a "green card") based on a family petition. These include the spouses, children, siblings and parents of U.S. citizens or the spouses and children of legal permanent residents.
2. Public charge does not apply to refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, special immigrant visas and other "humanitarian" immigrants.
3. Immigrants' eligibility for health insurance affordability programs has not changed. Many immigrants are eligible to enroll in Medicaid, CHIP, and subsidized health insurance plans through the ACA marketplace.
4. Green card holders cannot be deported simply for using public benefits. It is very difficult for the government to deport a green card holder for being a "public charge."
5. There is no public charge test to naturalize. You can become a U.S. citizen even if you have used benefits or need a fee waiver for your application. There is no public charge test to renew a green card.

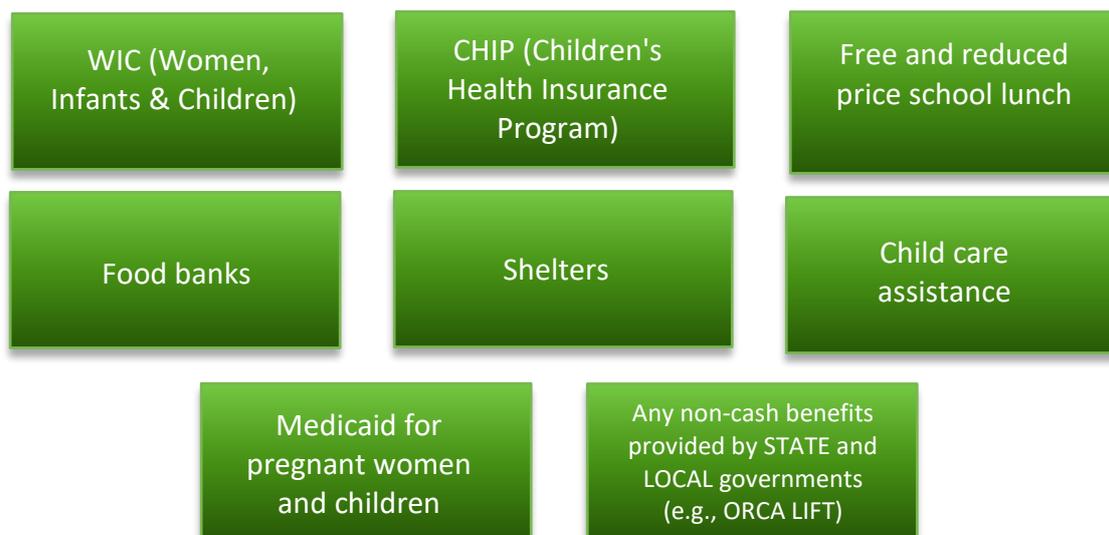
DISCLAIMER: Please be aware, the contents of this document are intended to convey general information only and not to provide legal advice or opinions. Also, it may not reflect the most current legal developments. If you have case-specific questions, you should seek a trusted immigration attorney or a Department of Justice (DOJ) accredited representative.

TOP MESSAGES FOR IMPACTED COMMUNITY MEMBERS

SOURCE: Protecting Immigrant Families - Washington

The "public charge" test only applies to people applying for a green card or a visa to enter the United States. The rule does not affect all immigrants. Refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, and other "humanitarian" immigrants are not affected. Lawful permanent residents (or "green card holders") are not affected unless they leave the U.S. for over 180 days and seek to reenter.

- Use of public benefits will not automatically make someone a public charge. Most immigrants who are subject to public charge are not even eligible for the programs listed in the rule. Immigration officials must look at all your circumstances, including age, health, income, assets, education and family size, in determining whether you are likely to become a public charge in the future. Positive factors, like having a job or health insurance, can be weighed against negative factors, like having used certain benefits or having a health condition.
- Many programs are not included in the public charge test. Here's what's NOT counted against an immigrant subject to public charge:



Benefits used by family members will not count in public charge decisions made in the U.S. U.S. citizen family members are entitled to use the nutrition, food, or housing programs they're eligible for. Benefits children receive will not count against you if your green card application is processed in the U.S. Including your name on your child's application does NOT mean that you have applied for benefits for yourself.

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ADDITIONAL RESOURCES

- [Protecting Immigrant Families Public Charge Know Your Rights documents](#)
- [How to Talk with Families About Public Charge Determinations Made Abroad](#)
- [Public Charge Exemptions and Considerations](#)
- [Public Charge for Education and Outreach Providers](#)
- [Northwest Immigrants Rights Projects Update on Public Charge video in English and Spanish](#)

Translated Public Charge Resources

Source: Protecting Immigrant Families and Seattle Office Immigrant and Refugee Affairs

- [Amharic - አዝገባዊ ክፍያ፡ ይህ በእኔ ላይ ተፈጻሚነት አለው?](#)
- [Arabic - على ذلك ينطبق هل: العامة المنافع](#)
- [Burmese - အများပိုင်အဖိုးအခေတာင်းဆိုင်မ - ဤအချက်ကန်တုံ့အေပါ်တွင်သင်္ကေရာ က်သလား။](#)
- [Chinese \(Traditional\) - 公共負擔：這適用於我嗎？](#)
- [French - Test de dépendance vis-à-vis de l'état cela me concerne-t-il?](#)
- [Hindi - सावर्जनिक प्रभार : क्या यह मुझ पर लागू होता है?](#)
- [Korean - 공적 부조: 저도 적용 대상입니까?](#)
- [Oromo - Gargaarsa Mootummaa: Kun Ana Ni Ilaallataa?](#)
- [Somali - Qarashka Dawladu Bixiso: Arintaas Anigga Ma I Quseysaa?](#)
- [Spanish - Carga pública: ¿Aplicaenmi caso?](#)
- [Tigrigna - መንግስታዊ ደገፍ፡ እዚ ንዓይ ይምልከተኒ ድዩ?](#)
- [Vietnamese - Gánh Nặng Công Cộng: Điều Này Có Áp Dụng Với Tôi Không](#)

Translated Public Charge Resources Should I keep My Kids Enrolled in Health & Nutrition Programs

Source: [Protecting Immigrant Families](#)

- [Amharic - ልጆቼን በጤና እናበአመጋገብሥርዓት ፕሮግራሞች ውስጥ እንዲመዘገቡ ማድረግ ይኖርብኛል?](#)
- [Arabic - هل ينبغي علي إبقاء أطفال مقيديين في برامج الصحة والتغذية](#)
- [Burmese - ကပ်တို့ရဲ့ကေလးငယ်များကိုကျန်းမာရေးနဲ့အာဟာရအစီအစဉ်တွင်မှည့်ပေးထားသင့်လား။](#)
- [Chinese \(Traditional\) - 是否应该让孩子参加医疗和营养计划？](#)
- [English](#)
- [French - Mes enfants doivent-ils rester inscrits aux programmes de santé et de repas?](#)
- [Hindi - क्या मुझे अपने बच्च को स्वास्थ्य एवं पोषणकार्यक्रम मनामांकत करते रहना चाहिए?](#)
- [Korean - 자녀의보건영양프로그램등록상태를그대로유지해야합니까?](#)
- [Spanish - ¿Debo mantener la inscripción de mis hijos en los programas de salud y alimentación?](#)
- [Vietnamese - Tôi Có Nên Tiếp Tục Cho Con Em Mình Ghi Danh Tham Gia Các Chương Trình Sức Khỏe Và Dinh Dưỡng Không?](#)

IMMIGRANT SUPPORT GROUPS AND LEGAL SERVICES

Free/low-cost Immigration Attorneys

Colectiva Legal del Pueblo

201 SW 153rd Street, Burien, WA

<http://www.colectivalegal.org>

(206) 931-1514

info@colectivalegal.org

615 2nd Ave, Suite 400, Seattle, WA

(206) 587-4009 or (800) 445-5771

Tacoma Office, serves Pierce County and Southwest Washington

402 Tacoma Ave S., Suite 300, Tacoma, WA (206)

816-3893 or (888) 493-4273

Eastside Legal Assistance Program (ELAP)

Immigration Legal Clinic – Bellevue, WA

www.elap.org

425-747-7274, info@elap.org

Free/low-cost Civil Legal Assistance (for issues including public benefits)

Call Coordinated Legal Education, Advice and Referral or “CLEAR” — Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

Kitsap Immigrant Assistance Center

3627 Wheaton Way, Bremerton, WA

<http://kitsapiac.org>

(360) 616-0479, Spanish line (360) 616-2722

kiacl@kitsapiac.org

King County

Call 211, (206) 461-3200, or (877) 211-WASH (9274)

www.resourcehouse.com/win211/

Outside King County

(888) 201-1014 weekdays from 9:15 a.m. until 12:15 p.m.

Persons 60 and over may call CLEAR*Sr at (888) 387-7111

Lutheran Community Services Northwest

<https://lcsnw.org/program/immigration-counseling-and-advocacy-program/>

Seattle Office

911 Stewart Street, Seattle, WA

(206) 694-5742

Vancouver Office

3600 Main Street, Suite 200, Vancouver, WA

(360) 694-5624

Self-help materials available at

<https://www.washingtonlawhelp.org/>

For additional resources please visit: bit.ly/PIFW

Northwest Immigrant Rights Project

<http://www.nwirp.org>

Wenatchee Office

620 N. Emerson Avenue, Suite 201, Wenatchee, WA

(509) 570-0054 or (866) 271-2084

Granger Office

121 Sunnyside Ave, Suite 146, Granger, WA

(509) 854-2100 or (888) 756-3641

Seattle Office, serves King County and North



What is PUBLIC CHARGE?



... and are **YOU** affected?



PUBLIC CHARGE is a federal rule that is used in immigration law. The U.S. government can deny a visa or permanent residency (green card) to certain immigrants, if they appear likely to become dependent on government support.



WHO IS SUBJECT TO PUBLIC CHARGE ?

Green card and temporary visa applicants receiving one or more public benefit for more than 12 months total within a 36-month period, and who do not fall into one of the exempted categories below.



EXEMPTED GROUPS



Children and Teens

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



Trafficking Survivors

Survivors of trafficking (T visa) and other violent crimes (U visa) are exempt



Domestic Violence Survivors

Survivors of domestic violence protected under the Violence Against Women Act (VAWA) are exempt



Refugees and Asylees

EXEMPTED BENEFITS

- ▶ **CHIP** - Children's Health Insurance Program
- ▶ **MSP** - Medicare Savings Program / Medicare Part D Subsidies
- ▶ **School Nutrition Services** - Free lunch and breakfast
- ▶ **Tax Credits** - ACA premium tax credit, earned income tax credit
- ▶ **Public Health Services** - Immunizations, TB & STD clinics
- ▶ **Earned Benefits** - Unemployment, social security retirement, workers compensation
- ▶ **Military Benefits** - Members of the military, ready reserve, and their spouses and children
- ▶ **BCCHP** - Breast Cervical and Colon Cancer Health Program
- ▶ **WIC** - Supplemental Nutrition

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This is general information, and is not legal advice. If you have case-specific questions, contact a trusted immigration attorney. For further information visit: kingcounty.gov/immigrant-resources