

WHAT IS PUBLIC CHARGE?

The “public charge” test has been part of federal immigration law for decades. It is designed to identify people who may depend on government benefits as their main source of support. If the government determines someone is likely to become a “public charge,” the government can deny admission to the U.S. or refuse an application for lawful permanent residency.

The White House is reviewing a proposal that would change longstanding “public charge” policy—forcing immigrant families to make an impossible choice between meeting basic needs and keeping their families together in this country.

PUBLIC CHARGE RULE WOULD HARM HEALTH, WELLBEING OF MILLIONS

If finalized, the proposal by the Trump Administration would fundamentally change who we are as a nation—transforming us from a country whose doors are open to people wanting to work hard and achieve a better life, to one only open to the highest bidder. It would also put the health and wellbeing of millions of children at great risk.

Many taxpaying immigrant parents have U.S. citizen children who are eligible for programs like health care and food assistance. Some are even eligible themselves. The proposal would make them afraid to access programs that support these essential needs. With about one in four children having at least one immigrant parent, this issue touches millions and is critical now and for our nation’s future.

HOW THE PUBLIC CHARGE RULE IS APPLIED TODAY

Under the current policy, the only benefits considered in determining who is likely to become a “public charge” are:

- Cash assistance such as **Supplemental Security Income (SSI)** and **Temporary Assistance for Needy Families (TANF)**.
- Government-funded **long-term care**.

HOW PUBLIC CHARGE COULD CHANGE

If the proposed rule is finalized, immigration officials could consider whether individuals or any of their dependent family members—including U.S. citizen children—have received or simply sought access to government programs.

Benefits that could be considered in a “public charge” determination would include virtually any program targeted to low-income people or that helps participants meet basic needs, such as:

- **Earned Income Tax Credit (EITC)**.
- Non-emergency **Medicaid**.
- **Children’s Health Insurance Program (CHIP)**.
- Subsidies provided through the **Affordable Care Act**.
- **Supplemental Nutrition Assistance Program (SNAP)**.
- **Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)**.
- Housing assistance such as **Section 8** housing vouchers.
- **Low-Income Home Energy Assistance Program (LIHEAP)**.
- Comparable state and local programs.



IF YOU WORK WITH IMMIGRANT FAMILIES, HERE'S WHAT YOU NEED TO KNOW

1

The rules governing public charge determinations in the U.S. have not yet changed.

There may be no advantage to disenrolling from programs now. The leaked drafts of the rule make it clear that any changes will apply only to benefits received after the rule is final. Even if the rules change, immigrants applying for admission or permanent residency will still be able to show why they are not likely to become a “public charge” in the future.

Some immigrant groups are not subject to “public charge.”

Some groups of immigrants—such as refugees, asylees, people fleeing domestic violence, and some other protected groups—are not subject to “public charge” determinations and **would not be affected by this proposed rule.** Public charge is also not a consideration when lawful permanent residents (green card holders) apply to become U.S. citizens.

2

WHAT YOU CAN DO

Once the proposed rule is published in the Federal Register, **the public will have an opportunity to submit comments** before it's finalized.

The Center for Law and Social Policy (CLASP) and National Immigration Law Center (NILC) are monitoring the threat to current immigration law and are leading a robust effort to collaborate with our partners across the nation.

We invite you to **join us in submitting comments to express opposition.** We urge you to encourage your networks to do the same.

For additional resources and information, and to connect with other advocates in this fight, please visit clasp.org/PIFresources.

Our opposition needs to be strong because the stakes are high. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services, and support they need to remain healthy and productive. **We must tell President Trump we will not stand by while he attempts to punish parents for feeding their kids or taking them to the doctor.**

