

Public Charge – Talking Points for PHSKC Employees

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** (currently BLOCKED by federal courts) would have expanded and re-defined the list of what can be considered – to include some *noncash* benefits. It *could have denied* green cards for some people who access Medicaid, SNAP (food stamps), and some types of housing assistance.
- **The new rule would 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

- The proposed Public Charge rule is on hold, blocked by the federal courts.
- That means for now, it is not an immediate threat, and clients should not be concerned about being enrolled in any of the impacted programs.
- The proposed rule itself says that it could apply *only* to people who use benefits *after* the effective date. That was supposed to be October 15, 2019 – but now, the rule is *not going into effect*. That means, using benefits now will not impact anyone’s future immigration status.
- If this situation changes again, (because an Appeals Court or the Supreme Court intervenes), we will update our message to clients immediately.

If a client asks about details in the rule: All of the details that the federal Administration *wants* to make to the Public Charge rule remain the same, but the entire rule change has been blocked. *Details related to the Final Rule are on page two.*

- **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 Details

- At this point, current law has not changed. The new rule would go into effect only if a Federal Appeals Court or the US Supreme Court intervenes.
- The new rule would apply *only* to benefits received *after* the date when the rule goes into effect. The rule would not consider services received today. It is not retroactive.
- **The rule would NOT INCLUDE WIC** (but it does include SNAP/food stamps).
- **The rule would NOT INCLUDE women and children in FIRST STEPS, Pregnancy Medicaid or Family Planning Only Medicaid** (but the rule would 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).

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>.