

## Public Charge Community Fact Sheet

The Department of Homeland Security (DHS) is poised to issue a rule to make working class and low-income immigrants who participate in medical and social service programs ineligible to receive a green card. The proposed rule has been issued on the DHS website, but it has not yet been published onto the Federal Register website for public commenting.

**Would impact LPRs, Visa Seekers, and Green Card Holders:** The possible changes will affect people who are applying to be Lawful Permanent Residents (“LPR” or have a Green Card), who are applying for a visa into the country or an adjustment of a visa status (excluding T-visa and U-visa applicants/holders), or who are LPRs but have been out of the country for more than 6 months and are seeking to come back to the U.S.

**The rule does not include:** people who are applying for citizenship, have become citizens, as well as refugees, asylees, T-visa or U-visa applicants/holders, Violence Against Women Act (VAWA) self-petitioners, and other protected immigrant groups. It also does not apply to active-duty U.S. military members and their spouse and children, or Ready Reserve. **This rule may apply to others on a case-by-case basis.** If you think this may impact you, please see an immigration attorney. You should only rely on advice from an attorney who is trained to apply the law to the specific facts of your case. Unlike earlier draft versions of the rule, the actual rule will not penalize people whose spouses, parents or U.S. citizen children rely on benefits.

**Alternatives if DHS finds an immigrant “likely to become a public charge”:** An immigrant has very limited alternatives if DHS decides he/she is “likely to become a public charge.” If DHS agrees to allow it, an immigrant may post a bond of at least \$10,000 to overcome a negative decision on “likely to become a public charge.” If the immigrant receives any of the listed cash/non-cash assistance, then the bond will be considered breached.

The current rule does not consider non-cash benefits with the exception of people who are institutionalized at government expense. **Under the proposed rule, benefits counted against immigrants include:**

- SNAP (food stamps)
- SSI
- TANF
- State/local cash benefit programs for income maintenance
- Other federal benefits programs for the purpose of income maintenance
- Medicaid, but *not* emergency Medicaid, or Medicaid benefits received by foreign-born children who will derive citizenship from their U.S. citizen parents.
- Medicare Part D Low Income Subsidy
- Benefits provided for long-term care
- Section 8 Housing Choice Voucher Program
- Section 8 Project-Based Rental Assistance
- Public Housing
- Any federal, state, county or city benefit program that is not specifically exempted

**What can you do?:** Once the rule is published on the Federal Register website, we are asking everyone to submit a public comment to let the Trump Administration know that we do not agree with its latest changes to the rule that will initially separate families. We are also asking that you share this information with others, and ask them to submit a public comment as well. For more information on public charge, and to know where you can submit a comment, please visit

<http://www.asiaohio.org/publiccharge/>. To view ASIA’s press release statement, please visit

<http://www.asiaohio.org/2018/09/24/asia-inc-issues-statement-opposing-proposed-public-charge-regulation/>.