

## 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/>.

## 給接受政府救濟民眾的資料便覽

美國國土安全部(DHS)準備頒佈一項規定，使享用醫療和社會服務計劃的工人階級和低收入移民人士，將不獲准綠卡資格。這項擬議中的規定已在國土安全部網站上公佈，但尚未在聯邦公報網站上公開評論。

**將影響合法永久居民，簽證者，綠卡持有人：**該變動將影響申請成為合法永久居民的人士(“LPR”或有綠卡的)，申請簽證進入美國境內或調整簽證狀態的申請人(不包括T簽證和U簽證申請人/持有者)，或者在美國境外逗留超過6個月並試圖回到美國的合法永久居民。

**該規定不包括：**正在申請美國公民身份、已成為美國公民的人，以及難民、政治庇護者、T簽證或U簽證申請人/持有者、針對婦女的暴力行為法案(VAWA)的請願者和其他受保護的移民群體。它也不適用於現役美國軍人及其配偶和子女，或隨時待命的美國軍人。**本規定可根據個案而定。**如果你認為這規定會影響到你，請諮詢移民律師。你應該遵循一位專業律師的建議，他們受過專業訓練可以從法律角度為你分析案件。與早先的草案版本不同，實際的規定不會處罰依賴福利的配偶、父母或美國公民子女。

**可供選擇辦法，如果國土安全部發現移民人士“可能成為政府救濟對象”：**一旦國土安全部(DHS)認定他/她“可能成為政府救濟對象”，移民人士可選擇的辦法非常有限。如經國土安全部(DHS)同意，移民可以提交至少1萬美元的保證金，以取消“可能成為政府救濟對象”的負面決定。“如果移民獲得了任何列出的現金/非現金援助，那麼將被視為違反擔保條例。”

現行規定不考慮非現金類的福利，以及由政府資助的在醫療、收容機構中缺乏自理能力的人士。**在建議的規定下，下列包含的福利將影響上述移民民眾：**

- 營養補充援助計劃(糧食券)
- 社會安全生活補助金
- 現金援助
- 州政府/市政府提供的維持收入之現金福利計劃
- 其他聯邦政府提供的維持收入之現金福利計劃
- 州政府醫療保險，並不包括緊急州政府醫療保險，或從美國公民身份的父母而獲得美國公民身分的海外出生子女所獲得的州政府醫療保險
- 聯邦醫療保險處方藥計劃的附加補助
- 需接受長期護理者提供的福利
- Section 8住房選擇券計劃
- Section 8 租金保助計劃
- 公共房屋
- 未獲得特別豁免的任何聯邦，州，縣或市的福利計劃

**你能做什麼？**一旦規定在聯邦公報網站上公佈，我們要求大家提交公眾意見，讓特朗普政府知道我們不同意最新修改的規定因為這將開始令家庭分開。我們還懇求您與其他人分享此信息，並要求他們提交公眾意見。更多有關接受政府救濟民眾的資料(public charge)的資料，以及您可以在何處提交公眾意見，請瀏覽<http://www.asiaohio.org/publiccharge/>。查看由亞洲民眾協會發佈的新聞稿，請瀏覽<http://www.asiaohio.org/2018/09/24/asia-inc-issues-statement-opposing-proposed-public-charge-regulation/>。