



The Trump administration is proposing changes to the federal “public charge” rule that will harm immigrants and their families and damage the health of our communities. The changes will force families to choose between getting help they need – like health care and food assistance – and having the best chance of keeping their families together in the United States.

What is a “public charge”?

Under federal immigration law, the term “public charge” is used to describe a person that is dependent on government-funded cash assistance or institutionalization for the majority of his or her support. If it is determined that an individual is likely to become a “public charge,” their application to enter the U.S. or become a Lawful Permanent Resident may be denied. **The public charge test does not apply to certain immigrants, including refugees, asylees, and victims of trafficking. It also does not apply during the process of applying for citizenship.**

How is the public charge assessment applied under current law?

- ✓ Applies only when an individual is seeking to enter the United States or get their “green card”
- ✓ Asks whether the individual is likely to become primarily dependent on government in the future
- ✓ Must consider age, health, family status, financial status, and education/skills
- ✓ May consider past or current receipt of government-funded cash assistance or institutionalization
- ✓ May not consider receipt of other public benefits
- ✓ Must consider the totality of the factors, meaning no single factor is determinative

The administration is seeking to pass a regulation that would –

- ✓ Change the longstanding definition of public charge so that use of “public benefits” as defined in the rule would make someone a public charge
- ✓ Define “public benefits” to include non-emergency Medicaid, Medicare Part D Low-Income Subsidy, SNAP, cash benefits, institutionalization for long-term care, Section 8 Housing Choice Voucher Program, Section 8 Project-Based Rental Assistance, and Public Housing
- ✓ Apply the test beyond applications for entry and green cards to individuals seeking to renew a visa or adjust from one nonimmigrant status to another

Impacts –

- ✓ Individuals will be denied a legal path to immigration for using public benefits
- ✓ Denying a legal path to immigration will result in more people becoming undocumented, more families living in fear of losing a loved one to deportation, and more separated families
- ✓ Families fearful of harsh immigration consequences will disenroll from public programs which harms the health of individuals, families, and entire communities with no benefit to taxpayers