

PUBLIC CHARGE: PROPOSED IMMIGRATION POLICY CHANGES

WHAT FAMILIES RECEIVING BIRTH TO THREE (ESIT) SERVICES SHOULD KNOW

WHAT IS A “PUBLIC CHARGE”?

The “public charge” test has been part of federal immigration law for more than 100 years. It was created to identify people who may depend on government benefits as their main source of income. If the U.S. government determines someone is likely to become a “public charge,” they can deny admission to the U.S. or refuse an application for lawful permanent residency. The Department of Homeland Security is currently proposing changes to the current “public charge” policy.

WHO DOES THE PUBLIC CHARGE POLICY APPLY TO?

This policy does not apply to all immigrant families. The current policy applies to:

- Immigrants in the U.S. applying for a family-based visa or legal permanent residence (green card)
- Immigrants seeking to legally enter the U.S.

The current policy does not apply to:

- Legal permanent residents applying for U.S. citizenship
- Many immigrants with legal status including refugees, asylum seekers, and survivors of domestic violence

WHAT COULD CHANGE?

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

The proposed rule would allow the government to also consider the use of other types of benefits that help individuals meet basic needs. These include:

- Non-emergency Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Medicare Part D Low Income Subsidy
- Housing assistance, such as public housing or Section 8 housing vouchers and rental assistance

IMPORTANT INFORMATION FOR FAMILIES TO KNOW:

- The proposed rule is not current law. The rule has not been finalized, which can take months. If the rule is finalized, it may not take effect until several weeks or months after the final version is published.
- Birth to Three or Early Supports for Infants and Toddlers (ESIT) services are not considered in a public charge test. Even if the proposed rule is finalized, services provided under the Individual with Disabilities Education Act, including ESIT services, will not be considered as part of a public charge test, including those that are billed to Medicaid.
- Get help deciding what’s best for your family, and if you can, consult with an immigration attorney about your own situation. To find organizations in your area that offer low-cost immigration legal services, visit: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.

You can tell the government how this policy proposal will impact you and your community! You have until December 10th to submit a public comment. Go to www.regulations.gov, then enter 1615-AA22 in the search bar

