



Cedar Rapids Office  
Sister Mary Lawrence  
Community Center  
420 6<sup>th</sup> St. SE Suite 220  
Cedar Rapids, Iowa 52401  
Phone: 319-364-7121

Waterloo Office  
Kimball Ridge Center  
2101 Kimball Ave. Suite 138  
Waterloo, Iowa 50702  
Phone: 319-272-2080

Dubuque Office  
Archdiocese of Dubuque  
Pastoral Center  
1229 Mount Loretta Ave.  
Dubuque, IA 52003  
Phone: 563-588-0558

## PROPOSED CHANGES TO ‘PUBLIC CHARGE’ DETERMINATION

There are a number of eligibility requirements (known as grounds of inadmissibility) that the federal government considers when determining whether to admit an individual into the United States (US) or allow an immigrant to obtain a green card to have lawful permanent resident (LPR) status. One such factor is whether the individual is or is likely to become a ‘public charge.’

On October 10, the Trump administration formally announced a proposed regulation that would dramatically broaden the ‘public charge’ test that has been part of the federal immigration law for decades.

For decades the ‘public charge’ test has been used to identify people who are unable to support themselves and may depend on government benefits as their main source of financial support. If the US Citizenship and Immigration Services (USCIS) determined that someone is likely to become a public charge, that person can be denied permission to enter the United States and refused a green card. They will be ‘inadmissible’ for purposes of immigration law.

The current public charge policy allows USCIS to look at cash-assistance programs such as Supplemental Security Income (SSI); Temporary Assistance for Needy Families (TANF); and government funded, long-term institutional care as primary areas of public assistance that would make someone inadmissible, therefore not eligible to enter the US or obtain a green card. However, with the new proposed rule, if it is finalized, immigration officials will consider a much wider range of programs beyond cash assistance to determine whether an individual is or may become a ‘public charge.’ Specifically, it would include non-emergency Medicaid, housing assistance such as Section 8 housing vouchers, and SNAP (Supplemental Nutrition Assistance Program) and even assistance for seniors who need help paying for Medicare part D- prescription drugs. Furthermore, the proposed rule makes clear that being low-income, having many children, not speaking English could be held against immigrants seeking lawful permanent residency (green card).

Under this new proposed rule, if immigration officials determine that a person is a ‘public charge,’ the person will be found to be ‘inadmissible’ for immigration purposes which may result in a person being denied a visa to enter the US or obtain a green card or could lead to being subjected to deportation.

Below is handout outlining who would be subject to this rule and what public assistance programs would be considered in determining if an individual is or will be a public charge.

# PROPOSED RULE CHANGES TO PUBLIC CHARGE

Public Charge is a term used to describe someone who will be primarily dependent on the government for financial assistance. This law only affects those applying for lawful permanent status (green card) or those seeking entry to the US.

## Whom will this impact?

- Anyone seeking lawful permanent resident (LPR) status through a family petition:
  - Spouses of U.S. citizens;
  - Children of U.S. citizens;
  - Parents of U.S. citizens;
  - Siblings of U.S. citizens;
  - Spouses of LPRs; and
  - Unmarried children of LPRs.
- Individuals seeking LPR status through an employment-based visa.
- Individuals seeking a non-immigrant visa or seeking to extend or change their non-immigrant status, including undocumented immigrants seeking to adjust their status.

## Who is NOT impacted?

- Refugees and asylees;
- VAWA self-petitioners and their derivatives;
- Special Immigrant Juveniles (unaccompanied minors)
- T or U visa beneficiaries;
- Individuals applying for or re-registering for Temporary Protected Status (TPS) in next 2 years;
- Amerasian immigrants;
- Afghan and Iraqi special immigrants;
- Cuban and Haitian entrants;
- NACARA beneficiaries;
- Individuals applying for adjustment though the Haitian Refugee Immigration Fairness Act;
- LPRs applying for U.S. citizenship
- US citizens or those applying for Citizenship

## Benefits considered for public charge

- Supplemental Security Income (SSI);
- Temporary Assistance for Needy Families (TANF);
- Institutionalization for long-term care at government expense (Medicaid nursing home, mental health institution);
- Where the benefit provided is at least 15% of the federal poverty level (FPL) for a household of one and is received for at least 12 consecutive months:
  - Supplemental Nutrition Assistance Program (SNAP);
  - Section 8 housing assistance;
- Where the benefit is provided for an aggregate of 12 months in the last 36 months:
  - Non-emergency Medicaid benefits;
  - Subsidies under Medicare Part D;
  - Subsidized housing

## Benefits NOT considered for public charge

- Women, Infants and Children (WIC);
- Children's Health Insurance Program (CHIP);
- School-based benefits (e.g. free school lunch);
- Energy assistance;
- Veteran's benefits;
- Federal old-age, survivors and disability insurance benefits;
- Government pension benefits;
- Government employee health insurance or transportation benefits;
- Unemployment insurance;
- Worker's compensation;
- State disability insurance;
- In-state college tuition;
- Government loans that require repayment;
- Disaster relief

*Note: Benefits received directly by a dependent of the applicant (e.g. a U.S. citizen child) are not factored in; however, they may be considered in assessing the "totality of circumstances." In addition to receipt of benefits, this rule would continue to consider it a heavily negative factor if the applicant's household income is < 125% FPL; conversely, having household income > 250% FPL will be heavily weighted in favor of the applicant. \*Information was adapted from ILRC and MIRA.*