

Frequently Asked Questions about the Proposed Changes to the Public Charge Rule

The *public charge* rule says that immigrants who get certain public benefits from the government could have trouble getting a green card or gaining entry to the U.S. from abroad. The government is considering making changes to the rule to make it stricter. The government must look at comments from the public before the changes to the rule can go into effect. **Anyone can and should** comment on the rule by December 10, 2018.

What is a public charge?

A public charge is an immigrant who has very low income and depends mostly on public benefits to meet their basic needs. If the government considers you to be a public charge you can be denied

- admission to the U.S., or
- a green card.

(Green card holders are also called *lawful permanent residents*.)

Under the current public charge rule, it can be harder to get a green card if you get cash assistance or you are in a long-term care institution because you are considered to be a public charge – in other words, you depend on the government.

Getting housing help (like Section 8), Medicaid (HUSKY), or food stamps (SNAP) **does not currently** affect your ability to get a green card.

How would the public charge rule change?

When you apply for a green card, the government will consider if you are likely to become a public charge by weighing many factors such as your age, health, family status, financial status, education, skills, and whether you have used certain public benefits.¹

Under the proposed rule, these public benefits would also count, in addition to cash assistance or long-term care institutionalization, when the government decides if you are a public charge²:

- Medicaid (HUSKY),
- SNAP (also known as food stamps), and
- housing assistance (like Section 8).

Who does the public charge rule apply to?

The rule only applies to *people applying for green cards and people seeking admission to the U.S. from abroad*. The public charge rule does not apply if you:

- already have a green card (you're a lawful permanent resident), unless you leave the country and return³;
- are renewing your green card;
- are a naturalized citizen; or
- qualify for or have certain humanitarian forms of relief (such as refugees and asylees).⁴

If you are in one of these categories, you can use ANY benefits you qualify for, including cash aid, health care, food programs, and other non-cash programs. This is true of the current rule and the proposed rule.

The proposed rule would also apply to requests to extend a non-immigrant visa or to change your non-immigrant status.⁵

Does the proposed rule mean I could be deported as a public charge?

The proposed rule does not change the rules about being deported.⁶

Should we stop any Medicaid (HUSKY), SNAP (food stamps), or housing assistance benefits that we are getting now?

No. Keep getting what your family needs. If the rule goes into effect, you'll have time to decide if you should make any changes.⁷

What if my child gets Medicaid (HUSKY) health coverage?

The government will not consider your child's use of Medicaid (HUSKY) in your application for a green card.



Children who are U.S. citizens are not subject to the public charge rule.

Children who are *legal permanent residents* are also not subject to the public charge rule, unless they leave the country and return.⁸

Children who are applying for a green card *could* be subject to the proposed rules. A child's use of Medicaid (HUSKY) *could* count against them, along with their age, income, and other factors. If the proposed rule goes into effect, you'll have time to decide if you should make any changes.

What benefits would not be included under the proposed rule?

Using these benefits will not hurt your chances of getting a green card:

Disaster relief; emergency medical assistance; entirely state, local, or tribal programs (other than cash assistance); benefits received by your family members; education; child development (such as Head Start or Early Head Start); employment and job training programs; transportation vouchers or non-cash transportation services; federal earned income tax credit; child tax credit; student loans; energy assistance; free and reduced school lunch; WIC; and any other benefit not specifically listed in the proposed rule.

Does the Connecticut Department of Social Services (DSS) share my information with ICE or immigration officials?

No. DSS will check to make sure you are eligible for the program, but does not share the information with ICE or immigration officials.⁹

How can I oppose this change?

Here are two ways you can fight the proposal:

1. Submit a comment at the Protecting Immigrant Families website explaining why it's a bad idea. Go to:

www.protectingimmigrantfamilies.org/#take-action

If you don't want to give your name, you can ask a friend to submit the comment for you.

2. Get other people to submit comments too. Work with the community to get elected officials, especially members of Congress, to submit comments. If members of Congress take action now, then this rule will be on their radar – and if the rule goes into effect, maybe Congress will pass a law to end it.

Note: The footnotes for this flyer can be found at www.ctlawhelp.org/public-charge.

*This flyer was produced by Greater Hartford Legal Aid.
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