

County Human Services Agency Perspective:

Proposed Changes to Federal “Public Charge” Rule

What is “Public Charge”?

- According to the National Immigration Law Center, *“Public charge’ is a term... [that] describes persons who cannot support themselves and who depend on benefits that provide cash — such as TANF or SSI — for their income. Depending on your immigration status, the Department of Homeland Security or U.S. State Department consular officers **abroad can refuse to let you enter the U.S., reenter the U.S., or become a lawful permanent resident if they think you will not be able to support yourself without these benefits in the future.** Public charge is not an issue for immigrants who are applying to become a U.S. citizen. Public charge is not an issue for refugees, persons granted asylum, or persons certified as trafficking victims.”*

Proposed “Public Charge” Changes –Released After Months of Speculation

- Media outlets have been reporting for over a year that the Administration will issue proposed changes to what is considered a “public charge” for immigrants looking to change their status to a lawful permanent resident, including publishing a leaked version of such changes.
- *The Trump Administration issued a press release and text of the Notice of Proposed Rulemaking on Saturday, September 22, 2018.* The public will have a 60-day comment period after the notice is formally published in the Federal Register. Note that it is not clear when the NPRM will be published, and the draft could still be changed prior to formal publication.
- The proposed rule would broaden the types of programs that are considered as part of the “public charge” determination, going beyond the long-standing inclusion of only cash-based income support programs to include programs such as Medicaid (known as Medi-Cal in California) and the Supplemental Nutrition Assistance Program (SNAP, known as CalFresh in California – the program formerly known as Food Stamps). The NPRM includes other programs that are not currently considered part of the public charge determination, as well.

Concerns About Immigrant Recipients and NPRM Response

- It has been reported over the past 18 months that immigrant families and individuals who are *legally eligible* for food assistance and health care have called program administrators – in California, that’s the county human services agencies – to have their cases closed out of fear that receiving this aid will lead to deportation. *The release of the NPRM, and media coverage of the proposal being formalized, could result in another increase in this activity.*
- This may be happening even though the rules that govern what determines “public charge” have NOT yet actually changed. *Note that even though it has now been released, the NPRM does not take effect immediately (nor when it is formally published in the Federal Register) and will likely garner significant public comment that will need to be considered by the Administration prior to finalizing the rule.*

- The fallout from individuals and families in our immigrant communities turning down needed, available assistance is potentially disastrous for California’s communities and its people – from the youngest to the oldest. *The end result will be a sicker, hungrier, poorer nation.*
- We know that there is increased uncertainty and anxiety about information around receiving health care coverage, nutrition, and cash assistance programs for immigrant communities that has been in the news and elsewhere. However, our goal is to help clients continue to receive the support they are eligible to receive today and need now.

Why These Services Matter for Immigrant Families and All Californians

- Many who receive assistance are working but their limited incomes are not enough to cover the high cost of living, food, health care and other necessities.
- Health care programs for these families ensure a healthy California, with children and adults who are ready to learn in school and be productive on the job.
- Besides just the individual impacts, having a segment of our population go without needed health care when they are sick reduces community well-being for everyone.
- California’s safety net programs help keep children, families and seniors from falling into abject poverty and homelessness. If children, families and seniors already living on the edges of poverty no longer feel safe receiving vital assistance through the social safety net, California will undoubtedly see increased poverty rates– particularly its child poverty rate, which is already the highest in the nation.
- Poverty is crushing for children, life-threatening for seniors and costly for all Californians.
- This all weighs heavy on the minds and hearts of county human services staff who are dedicated to the mission of supporting the health, safety and well-being of individuals, families and their communities.

Questions?

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