ASIAN HEALTH SERVICES

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Association of Asian Pacific Community Health Organizations

Overview and FAQs – "Public Charge" Proposal Affecting Immigrant Families

Last Update: May 8, 2018 (Not Legal Advice)

The Trump administration has a new proposal—this is still only an idea and is not yet official—to deny permanent resident status ("green cards") to, and even deport, families residing legally in the U.S. on visas if they—or their family members, including U.S. citizen children—use health care and food programs.

The proposal takes a little-known immigration law term called "public charge," (a category that is currently used to deny green card status to those likely to use cash assistance or long-term care), and apply it more broadly to larger categories of immigrant families, including U.S. born citizen children. This dangerous proposal that was leaked to the media. If passed, would constitute a radical change in a longstanding tenet of U.S. immigration policy—to keep families together. Note: refugees and asylees are not currently included in the Trump Administration's proposed changes to the immigration "public charge" category.

The table provides an overview of the proposed changes.

NOW: Public Charge:	**Draft Proposed Change: Public Charge**:
Currently, only two types of benefits are considered under public charge determination: • cash assistance (TANF, SSI, GA) • institutionalization for long-term care at government expense	Expands the types of government-funded programs that the federal government could consider in public charge determinations AND newly allows the federal government to consider use of such programs by US-born children and other family members in making public charge decisions: • Federal/State/Local Cash assistance programs including Temporary Assistance for Needy Families (TANF, CalWorks), Supplemental Security Income, (SSI) General Assistance (GA) • Institutionalization for long-term care at government expense • Medicaid and Childrens Health Insurance Program (CHIP) • ACA/Obamacare (federal subsidies/ tax credits) • Food Stamps (CalFresh/SNAP) • Women, Infants and Children program (WIC) • Housing assistance • Low Income Home Energy Assistance Program • Head Start
	NOT INCLUDED: • Social Security benefits: survivors, disability insurance or veterans benefits, worker's compensation, state disability insurance, Medicare, emergency or disaster relief, public health assistance for immunizations, attending public school, free or reduced-price school lunches, services or benefits available to the community as a whole and not to a specific individual.

Public Charge Frequently Asked Questions (FAQs) for Worried Patients

1. Should I get off of Medicaid and other programs now?

No. The law will look at the use of public programs after it is enacted. Currently, there is no law change, so there is no advantage in dropping out of these programs.

2. I am a lawful permanent resident, can I still apply for citizenship after the new public charge law?

Yes. There is no question about using public programs when applying for citizenship.

3. I am a lawful permanent resident, do I have to worry about public charge when I'm coming back from traveling outside the US?

Currently, LPRs are advised NOT to travel outside of the US for more than six months. If you have been outside the US for more than six months, you can be treated as a new entrant and may be asked questions about your use of government programs if this new public charge law is implemented. AS LPRs do now, limit your travel to less than six months.

4. Is there any chance that I can be deported for using public programs?

Yes but it is very rare - only if (1) you are using cash assistance or long-term care within first 5 years after immigration, (2) you or your sponsor were asked to pay for services used and (3) you or your sponsor refused to pay.

5. Does this proposed law impact everyone?

No. If you are a refugee, asylee, survivor of trafficking, domestic violence or other serious crimes, you are not subject to public charge.

6. Can I sponsor my family members, if I use public programs?

You can still apply for green cards for your family members but if you have used government programs, you may not be able to file an "affidavit of support" to show that you can financially support them. You may have to find someone else to file the affidavit of support.

7. Is the proposal in effect? NO it is not in effect.