

Upcoming Changes to Public Charge Regulation: What Texans Can Do

May 30, 2018

1. What is the current “public charge” regulation?

- a. Since 1999, US immigration policy has told immigrants seeking a green card that their previous or future use of public benefits would not be used to deny them a green card or visa to enter the U.S., **unless** they were reliant on the government for cash assistance (i.e., SSI, TANF), or for long-term care (e.g., nursing home) at government expense.

2. How is the proposed regulation going to change things?

- a. The proposed rule was sent from the Department of Homeland Security to the OMB on Thursday 3/29: <https://www.reginfo.gov/public/do/eoDetails?rrid=119809>. The rule can be published in the Federal Register for a comment period at any time.
- b. In the leaked documents we have seen, it would expand ‘public charge’ to mean:
 - i. Immigration officials **could** deny residency (green card) to immigrants who use almost any kind of public benefit, including **healthcare** (Medicaid, CHIP, and ACA Marketplace subsidies); **food** (SNAP, WIC), **housing, transportation**, and **energy** assistance; **financial** assistance (tax credits, Pell grants), and more. Benefits considered under the new rule would include federal, state, and local programs.
 - ii. Lawful use of benefits by a green-card applicant’s spouse or children—including US citizens—could also be used to deny the applicant a green card.

3. Who will this impact (nationally and in Texas)?

- a. More than one out of every four Texas kids has at least one parent who isn’t a U.S. citizen, meaning this rule change has huge implications for **1.8 million Texas children**.
- b. A new Kaiser Family Foundation study estimates that 875,000 to 2 million U.S. citizen children nationwide will lose health coverage if this rule is implemented, and the uninsured rate for U.S. citizen kids would rise from 8% to between 14% and 22%.

4. What can Texas organizations and individuals do to push back when the rule is published?

- a. **Submit unique comments**. Each comment must be considered. The more unique (in your own words) comments are submitted, the more we can slow down or even stop the regulation, and get more Americans to speak out in opposition.
- b. **Distribute the information and tools** to get others to submit comments.
- c. **Make public statements of opposition** to the proposed rule.
- d. **Help identify families and children who will be affected** by this ruling whose stories can be shared.
 - i. **Stories can be from organizations AND/OR (anonymous is OK) families.**

5. Need help? Have questions?

- a. Get on the national **Protecting Immigrant Families (PIF) campaign** email list. (<https://www.clasp.org/protecting-immigrant-families-campaign-resources>)
- b. Center for Public Policy Priorities (CPPP) has information and tools for Texas groups and individuals to respond (contact Anne Dunkelberg; dunkelberg@cPPP.org).
- c. Children’s Defense Fund-Texas (CDF-TX) is leading story collection on the impact of this proposed rule. Contact Cheasty Anderson (canderson@childrensdefense.org) to share or inquire about Texas stories.