

# Proposed Public Charge Rules: Threats to Texas—and What We Can Do!

September 18, 2018 (*will be updated upon official publication of the proposed rule*)

A new regulation proposed by the Trump Administration could force well over a million Texans—most of them U.S. citizen children—to lose health care, food, and housing if their family members want to be eligible to enter the country legally or earn a Green Card. The proposed change to a little-known but critically important federal rule would be a deeply harmful, massive re-structuring of longstanding U.S. immigration policy.

## 1. What is the “public charge” regulation, and how does it work now, before this proposed change?

Under current rules, immigrants can lose their ability to gain permanent legal status only if they are entirely dependent on cash assistance benefits or long-term care in an institution.

Since 1999, U.S. 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., Supplemental Social Security (SSI), Temporary Assistance for Needy Families (TANF), or
- for long-term care (e.g., nursing home) at government expense.

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

Leaked versions of the rule earlier this year would expand “public charge” to mean:

- Immigration officials **could** deny lawful permanent residency (Green Card) to immigrants expected to use almost any kind of public benefit, including **health care** (Medicaid, the Children's Health Insurance Program (CHIP), and Affordable Care Act (ACA/Obamacare) Marketplace subsidies); **food** (the Supplemental Nutrition Assistance Program (SNAP, formerly "food stamps," or the Women, Infant and Children program (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.
- Lawful use of benefits by a Green-Card applicant's spouse or children—including U.S. citizens—could also be used to deny the applicant a Green Card. This could trigger hundreds of thousands of Texas children dropping health care and/or hunger benefits.

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

- 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 big implications for **1.8 million Texas children**.<sup>A</sup> Over 9 out of 10 of these children are U.S. citizens.
- A [recent Kaiser Family Foundation study](#) predicts 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 eight percent now, to between 14 percent and 22 percent.

## 4. What can Texans (organizations and individuals) do to push back after the rule is published?

- **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.
- **Help distribute the information and tools** to inform others and help them submit their own comments.
- **Make public statements of opposition to the proposed rule** (to the news media, through letters to editors, on social media).
- **Help identify families and children who will be affected by this ruling whose stories can be shared.** Stories can come from organizations, individuals, or families and can be anonymous. These stories can help make comments, news reports, and social media outreach more powerful and effective.
  - **In Texas: Children’s Defense Fund-Texas (CDF-TX)** is leading story collection on the impact of this proposed rule. Contact Cheasty Anderson ([canderson@childrensdefense.org](mailto:canderson@childrensdefense.org)) to share or inquire about Texas stories.
  - **National story bank: You can also share your story [here](#) with the national Protecting Immigrant Families campaign. and**

#### Comments Matter! Here’s Why:

**Commenting is NOT considered lobbying.** Unlike asking a member of Congress to vote for or against a specific bill, submitting public comments to an agency is not considered lobbying under federal law.

#### Comments can:

- Later provide an opportunity to challenge the regulations in court, if a concern with the regulation was raised and not addressed.
- Help slow the process down, and shape the Administration’s decisions.
- Help raise awareness among elected officials, policymakers, and the public. They show that this issue is important to hundreds of thousands of people across different sectors
- Force the Trump Administration to publicly justify its actions.
- Build democracy: they give people and communities who are affected by the rule a chance to raise their voice and tell their story to policymakers.

#### 5. Need help? Have questions?

- Find more resources at the national Protecting Immigrant Families (PIF) campaign’s [website](https://protectingimmigrantfamilies.org/).
- Center for Public Policy Priorities (CPPP) has [more information and tools for Texas groups and individuals to respond here](#); or contact Anne Dunkelberg ([dunkelberg@cphp.org](mailto:dunkelberg@cphp.org)).

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<sup>A</sup> **Potential Effects of Public Charge Changes on Health Coverage for Citizen Children; May 18, 2018,** <https://www.kff.org/disparities-policy/issue-brief/potential-effects-of-public-charge-changes-on-health-coverage-for-citizen-children/>

**Nearly 20 Million Children Live in Immigrant Families that Could Be Affected by Evolving Immigration Policies, April 18, 2018,** <https://www.kff.org/disparities-policy/issue-brief/nearly-20-million-children-live-in-immigrant-families-that-could-be-affected-by-evolving-immigration-policies/>