California Leadership Education In Neurodevelopmental and Related Disabilities

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Reexamining Public Charge

Introduction:

- "Public charge" refers to an individual who is likely to become primarily dependent on the government for subsistence, and it affects individuals who are seeking admission to the US or adjustment of status (e.g., citizenship, permanent resident).
- In August 2019, the federal government announced a new rule to redefine public charge and include more programs, which is negatively impacting millions of individuals and families.
- A new rule was scheduled to go into effect October 15th, but a nationwide preliminary injunction was put in place on October 11th to block the rule.

Background:

- Individuals who demonstrate the receipt of public cash assistance are considered to fall under "public charge." Individuals may need this public cash assistance for income maintenance or institutionalization for long-term care at the expense of the government (U.S. Citizenship and Immigration Services [UCIS], 2019).
- A number of factors are considered including age, health, family status, assets, resources, financial status, education, and skills. No single factor, other than the lack of an affidavit of support, if required, will determine whether an individual is a public charge (UCIS, 2019)
- These policies affect individuals' ability to enter the U.S. or adjust to legal permanent resident (LPR) status (i.e., obtain a "green card").
- The use of Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TNF) has historically been used against immigrants as a public charge. Now, the federal government is adding more public programs that would qualify the individual as a pubic charge. Some examples of programs that count an individual as a public charge are Medicaid, Supplemental Nutrition Assistance Program (SNAP), and Section 8 public housing.
- These proposed changes are negatively impacting families by deterring them from accessing these resources and financial assistance programs. Some families have been found to drop benefits unnecessarily, as they are concerned that it may be counted against them in their applications for admission to the United States due to these new public charge policies (ACLU, 2019).

Analysis:

- Supporters of the proposed changes to public charge argue that these changes are more "fiscally responsible" and will help our nation's economy. Supporters also argue that those who are getting assistance from supplemental support sources are not contributing to the nation's economy.

- Opposers of the proposed changes argue that the proposed rules jeopardize opportunities for individuals in immigrant communities and deters families from using public benefits that contribute to their overall health and financial stability. Opposers also fear that these issues will extend beyond the individual immigrant and impact the entire family and community, known as the chilling effect. It could lead to 2.1-4.9 million Medicaid/CHIP beneficiaries disenrolling, including immigrant children and parents. In the long-term, this may lead to increased healthcare costs due to delayed care without insurance. Additionally, it is a barrier for immigrant children and parents for accessing basic financial stability and basic needs, including housing, healthcare, and adequate food and nutrition.

Recommendations:

- Increased outreach services should be provided to impacted families to increase their knowledge about the current status of the policy and prevent the circulation of misinformation.
- Address supporters' concerns and inform the general public about misconceptions surrounding immigrants and how these individuals negatively impact the economy and job market (Chomsky, 2007).

Conclusion:

- Public charge changes proposed by the Trump administration have monumental impacts for immigrant children, families and communities and need to be reexamined for the health and safety of millions.