



Frequently Asked Questions – Public Charge

Last updated October 24, 2018

Background: On October 10, 2018, the U.S. Department of Homeland Security published proposed changes to the federal public charge rule. The public charge rule has not yet changed, and eligibility for public benefit programs in Oregon has also not changed. The proposed changes include expanding the kinds of public benefits considered in the public charge test. The only public benefits currently considered when determining who is likely to become a “public charge” are cash-assistance programs (including Supplemental Security Income and Temporary Assistance for Needy Families) and Medicaid-funded long-term care.

What is public charge?

- “Public charge” is a term used in immigration law to describe an individual who is likely *in the future* to become dependent on public benefits.
- Being considered a public charge can result in the denial of a lawful permanent residency (i.e., green card) application or entry to the United States.
- When determining if a person is likely to become a public charge, the federal government looks at a variety of factors including age, health, income, family size, public assistance received, and education level.
- Currently, the only public assistance that can be considered when determining if a person will become a public charge is cash assistance (e.g., Temporary Assistance for Needy Families and Supplemental Security Income) and Medicaid-funded long-term care.

Who is affected by public charge?

- Public charge is considered only for those:
 - Entering or reentering the U.S.A.
 - Already here looking to extend their visa.
 - Or applying for lawful permanent residency.

Who is not affected by public charge?

- U.S. citizens—both those born in the U.S.A. and those who have naturalized.
- Immigrants with lawful permanent residency including those applying for U.S. citizenship.
- Immigrants who are in the U.S.A. for humanitarian reasons (e.g., those with refugee, asylee or temporary protected status, and those who have T or U visas).
- Undocumented immigrants including Deferred Action for Childhood Arrivals recipients.
 - This is because they generally do not have a pathway to adjusting their immigration status to lawful permanent residency.

What Oregon public benefit programs are affected by the current public charge rule?

- Supplemental Security Income (SSI).
- Temporary Assistance for Needy Families (TANF).
- Federal, state or local cash benefit programs.
- Medicaid-funded long-term care.

What Oregon public benefit programs could be affected if the proposed public charge rule is adopted?

- Medicaid (full Oregon Health Plan coverage).
- Medicaid funded long-term services and supports (LTSS) both in home and community and institutional settings.
- Medicare Part D Low Income Subsidy (LIS).
- Medicare Premium Assistance.
- Supplemental Nutrition Assistance Programs (SNAP).
- Section 8 Housing Rental Assistance (housing choice vouchers)
- Project-Based Section 8 housing and subsidized housing

Is emergency Medicaid (i.e., Citizen Alien Waived Emergent Medical, or CAWEM) included in the proposed rule change?

No.

What should we say to those who are concerned about public charge?

- Eligibility rules for public benefit programs such as the Oregon Health Plan have not changed.
- Proposed changes to the public charge rule have not happened.
- Starting on October 10, 2018, the federal government must accept and respond to comments on the proposed rule. Any changes to the rule will not be implemented until after it becomes final, which will take more time.
- The proposed rule is not retroactive.

- Public charge looks at all a person’s circumstances—not just if they are likely to use public benefits—weighing various positive factors against any negative ones.
- Not all immigrants are affected by public charge.
- Public charge is complicated. Every case is different. It is important to get the facts before making changes in your household.
- Help is available. Contact an immigration attorney with questions about your case. Find one at <https://oregonimmigrationresource.org/resources/>. Contact Oregon’s Public Benefits Hotline at 800-520-5292 with questions about public benefits.

What else should I know about the proposed change to public charge?

- Led by Governor Kate Brown’s office, officials at the Oregon Department of Human Services, Oregon Health Authority, Oregon Housing and Community Services, and the Oregon Health Insurance Marketplace are closely monitoring this proposed rule, studying its impacts, and will work with community partners to support those who are affected.

The public may submit comments to the Federal Register on the proposed rule change until December 10. You can comment by visiting the Federal Register website at www.federalregister.gov and search for “Inadmissibility on Public Charge Grounds.”

Questions? Please contact the following programs:

Oregon Housing and Community Services

- Chelsea Bunch, housing integrator, chelsea.bunch@oregon.gov

Department of Human Services

- DHS.DirectorsOffice@state.or.us

Oregon Health Authority

- Jeannette Taylor, Government Relations, jeannette.t.taylor@state.or.us

Oregon Health Insurance Marketplace

- Chiqui Flowers, administrator, chiqui.i.flowers@oregon.gov