

October 10th, 2018

Dear Allies,

On October 10th, 2018 the Trump administration officially published the highly anticipated public charge rule in the [Federal Register](#). This means that the public is now able to submit comments on the proposed regulation to the Department of Homeland Security (DHS) until December 10th, 2018.

The [Massachusetts Law Reform Institute](#), [Massachusetts Immigrant and Refugee Advocacy Coalition \(MIRA\)](#), [Health Care For All](#) and [Health Law Advocates](#) have joined together as part of the national [Protecting Immigrant Families \(PIF\) campaign](#) to fight back against this regulation here in Massachusetts. Below you will find a brief summary of the regulation, a list of frequently asked questions, and information about how you should get involved.

Summary of the Regulation:

The proposed rule change is the latest example of the Trump administration's hostility towards immigrants and low-income community members. The proposed changes to "public charge" test would fundamentally change our approach to immigration, making family income and potential use of certain health care, nutrition or housing programs a central consideration in whether or not to offer people an opportunity to make their lives in this country. The direct effect of the proposed rule will fall primarily on people applying for a green card through a family based petition, and will also affect some other categories of individuals applying for visas. Beyond that, the proposed rule is also expected—and perhaps intended—to have a widespread chilling effect that will lead to people dropping or not seeking out benefits they need. Because of the complexity of the rule, even people who already have a green card, or who are exempt from the rule, such as refugees or asylees, are likely to be confused and frightened about the potential consequences of applying for food, health, and housing supports they are eligible to receive.

Below are some important facts to keep in mind in talking to the immigrant community:

The rules governing public charge determinations in the U.S. have not yet changed –the final rule may be different from the proposed rule. The expanded types of non-cash benefits that could be considered if the rule is finalized will not be allowed to count until 60 days after the final rule is published. There is significant value for families to continue to receive housing and nutrition assistance and healthcare in the meantime. Because of the restrictive eligibility rules for federal non-cash benefits, most immigrants now receiving these benefits are unlikely to be subject to a public charge test. *Individuals who have questions about their own situation should consult with a trustworthy immigration counselor or attorney.*

A detailed explanation of the proposed rule can be read [here](#).

Profiles of some of the individuals who will be harmed by this proposed rule were it to become final can be read [here](#).

Frequently Asked Questions:

- Should potentially affected immigrants disenroll from benefits right now?
 - No. The rules governing public charge determinations in the U.S. have not yet changed – the final rule may be different from the proposed rule. The expanded types of non-cash benefits that could be considered if the rule is finalized will not be allowed to count until 60 days after the final rule is published. There is significant value for families to continue to receive housing and nutrition assistance and healthcare in the meantime. Because of the restrictive eligibility ruled for the non-cash benefits added by the proposed rule, most immigrants now receiving these benefits are unlikely to be subject to a public charge test. *Individuals who have questions about their own situation should consult with a trustworthy immigration counselor or attorney.*
- When is the deadline to submit comments?
 - December 10th, 2018
- When would this rule go into effect?

- Many months from now. Once the 60-day public comment period expires, DHS will be required by law to review and address the public comments made and prepare a final rule to be reviewed by the Office of Management and Budget (OMB) before a finalized rule may take effect. The final public charge rule will include an effective date at least 60 days after the date that the final rule is published, but could be even later. An overview of the process is available [here](#).
- What policies will apply between now and the time that a final rule goes into effect?
 - In the meantime, and until a final rule is in effect, USCIS will continue to apply the current public charge policy. (i.e., the [1999 INS Interim Field Guidance](#)).
- Does this rule apply to all immigrants?
 - No. Public charge does not apply to green card holders when they apply to become U.S. Citizens. There are also other categories of immigrants that will not be subject to the public charge rules when they are seeking these statuses or a green card based on them. These include refugees, asylees, survivors of trafficking and other serious crimes, self-petitioners under the Violence Against Women Act, special immigrant juveniles, certain people who have been paroled into the U.S., and several other categories of noncitizens. *Individuals who have questions about their own situation should consult with a trustworthy immigration counselor or attorney.*
- Does this rule expand the current public charge ground of deportability?
 - No. This rule does not interpret or expand the public charge ground of deportability. Under current law, a person who has become a public charge can be deported only in extremely rare circumstances.
- Does this rule consider benefits received by an immigrant's dependents?
 - No. This rule does not consider whether an applicant's dependents have ever sought, received, or used public benefits. It does however factor in an applicant's family size, requiring applicants with more dependents to meet a higher income threshold to be deemed financially "self-sufficient."

How to get involved:

This rule hurts everyone, not just immigrants, by stigmatizing the use of programs put in place to help people survive when they fall on hard times, and depriving our communities of the contributions immigrants make to the economy and vibrancy of our culture. Because the stakes are so high, our opposition to this proposed rule, and its attempt to punish working families, needs to be strong and unified. **The first step you can take to fight back against this proposed rule is to participate in the notice-and-comment process by submitting your comments in opposition to the regulation.** Your participation in this process will be vital because it builds a record documenting the harm this proposal will cause and may result in changes to the final rule or may create an opportunity to challenge a final rule that ignores significant public comments.

Upcoming Events:

- **MA Conference Call** – *Thursday, October 11th from 3:00-4:00pm EST*: We will provide an overview of the proposed rule change for all MA allies. Register and submit questions [here](#).
- **MA Press Conference/Rally** – *TBD*: We will be sending out more information regarding this event soon!
- **PIF Webinar** – *Wednesday, October 17th from 1:00-2:00pm EST*: The National PIF campaign will host a Public Charge 101 Training. Register [here](#).
- **MA Webinar on Comment Process** – *Monday, October 29th from 12:00-12:45pm EST*: This webinar will help you navigate the process of submitting comments. In order to join the webinar, you must register [here](#) on a first come, first serve basis. In addition, we will continue to update you throughout the commenting period.

Please use the hashtag #ProtectFamilies on Facebook, Twitter, and Instagram to spread the word.

Thank you for standing with us! Have questions? Contact us:

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