

Update on the new Public Charge Rule

November 14, 2019

Brought to you by:



Housekeeping

- The webinar is being recorded.
- All attendees are on mute.
- We will have a live Q&A session at the end of the webinar.
 - Please type in your questions as we go.

Presenters

- Denise Piza, Causa Oregon
- Beth Englander, Oregon Law Center
- Josie Silverman-Méndez, Oregon Health Authority

What we'll cover today

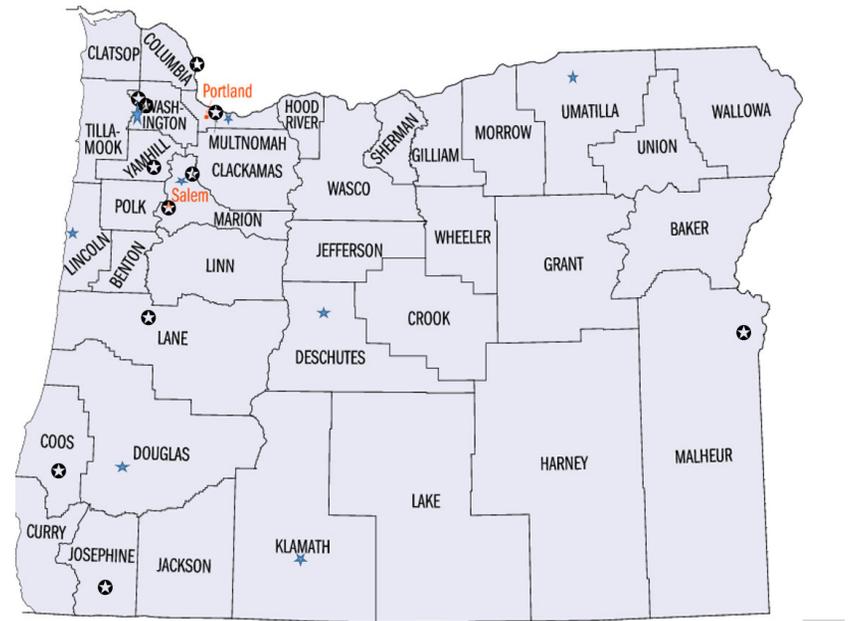
- Update on the blocked rule
 - Resources
 - Why the rule is not in effect and how long the block will last
 - *See Oct. 8th webinar for public charge basics*
 - Frequently Asked Questions
- Q&A

Public Charge resources

- **Oregon Law Center-LASO Public Benefits Hotline:** 1-800-520-5292
- **Oregon Immigration Resource:** oregonimmigrationresource.org
 - **Oct. 8th Webinar for Oregon Service Providers:**
 - **Recording:** <https://www.youtube.com/watch?v=2kGuDdzQnHQ>
 - **PPT:** <https://www.oregon.gov/oha/ERD/Documents/Public-charge-webinar-for-Oregon-service-providers.pdf>
 - **Oregon Public Charge Fact Sheet:** <https://apps.state.or.us/Forms/Served/he2520.pdf>
 - **State of Oregon's FAQ on Public Charge and on-going updates from OHA:** <https://www.oregon.gov/OHA/ERD/Pages/public-charge.aspx>
 - **Oregon Immigration Attorneys:** <https://oregonimmigrationresource.org/resources/?tab=legal-help>
 - **National Protecting Immigrant Families Campaign:** <https://www.protectingimmigrantfamilies.org/resources/>



- Housing – evictions, discrimination
- Family Law – domestic violence focus
- Employment – wage + hour, farmworkers, discrimination
- Public Benefits – Statewide Hotline 1-800-520-5292



Federal Dept. of Homeland Security new Public Charge Rule



Updated information as of 11/14/2019

Important update on Public Charge

Update

As of today, the proposed new Public Charge Rule still is not in effect for people who apply to become LPRs from inside the U.S.!

Federal judges blocked the new Public Charge Rule from going into effect across the whole country.

The rule did not start on October 15, 2019, and it will not start until federal judges, or possibly the U.S. Supreme Court, says the rule can go into effect.

How was the Public Charge Rule “blocked”?

- Many states and organizations filed lawsuits challenging all the changes the federal government was trying to make to the Public Charge Rule.
- Three federal judges blocked the new rule from going into effect anywhere in the U.S. Two other federal judges blocked the new rule from going into effect in specific states.
- Oregon is protected by all three of the national injunctions AND by one that applies specifically to Oregon.



What does it mean that the rule is “blocked”?

- The federal Department of Homeland Security is not allowed to apply the new Public Charge Rule to anyone in the U.S.
- The old Public Charge Rule that has been around for a very long time is still in effect.
- The old Public Charge Rule is very limited. Know the limitations. Fight Fear with Facts.

What does it mean that the rule is “blocked”?

The “old” Public Charge definition is still in effect while the new rule is blocked.

A “Public Charge” is:

An immigrant “likely to become **primarily dependent on the government for subsistence.**”

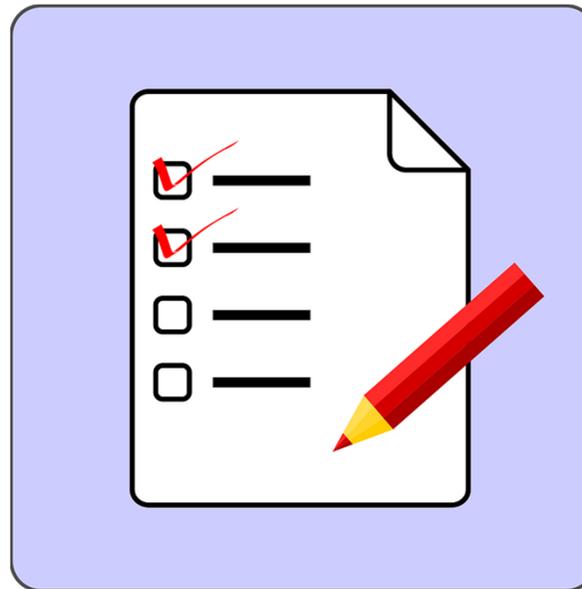
What does it mean that the rule is “blocked”?

Right now, the only public benefits that count in a Public Charge Test are:

1. Temporary Assistance for Needy Families (TANF)
2. Supplemental Security Income (SSI)
3. Long Term Care paid for by Medicaid in an institution

What does it mean that the rule is “blocked”?

The government cannot use an expanded Public Charge Test. It can only use the old Public Charge “totality of the circumstances” Test.



The Public Charge Rule doesn't apply to every immigrant

Even the “old” Public Charge Rule doesn't apply to these immigrants:

- Refugees and Asylees
- Survivors of trafficking, violence, other serious crimes (T- & U-visa applicants/holders)
- VAWA self-petitioners
- Certain people paroled into the U.S.
- Special immigrant juveniles
- People who are already LPRs (green card holders) and don't leave the U.S. for more than 180 days
- LPRs who are applying for U.S. citizenship
- LPRs who need to renew their green card
- And more...

Most immigrants don't qualify to get Public Charge benefits unless they are in a category of immigrants who are Exempt from the Public Charge Test.



Plain Language Message for Clients: Communicating the facts

Plain language message:

- The new Public Charge Rule is **not** in effect yet.
- The Public Charge Rule does **not** apply to every immigrant.
- Many public benefits **don't** count towards Public Charge.
- Public benefits your children or other family members get **don't** count against you in the Public Charge Test.
- Just getting public benefits alone **cannot** make you a Public Charge.
- Stay informed. Things could change.
- You're not alone. There's help.

Know the Facts about Public Charge

(This fact sheet is not a substitute for legal advice.)

There is a new federal rule that changes how people are found to be a "Public Charge." It lets the federal immigration agency look at a longer list of public benefits, and more factors such as family income, when deciding whether a person is likely to become a Public Charge in the future. This new rule doesn't go into effect until October 15, 2019, and the rule is not retroactive, so any newly added benefits won't start to count against people until October 15th.

***Update:** Federal judges have blocked the new public charge rule. It did NOT go into effect on October 15, 2019. We don't know when the rule will be implemented. Check the resources on page 2 for on-going updates.

The new Public Charge rule DOES NOT apply to everybody.

Many immigrants who qualify for public benefits are exempt from the Public Charge test.

Generally, the rule only applies to:

- People who are seeking admission or re-admission into the U.S.
- People applying to adjust to Lawful Permanent Resident (LPR or green card holders) status or
- People applying for visa extensions/renewals.

These are some of the types of immigrants who **do not** have to worry about Public Charge, **as long as they don't leave the U.S. for more than 6 months:**

- Refugees
- Asylees
- People who are already LPRs (green card holders) including those renewing their LPR card
- VAWA (Violence Against Women Act) self-petitioners
- T or U Visa applicants/holders (some survivors of trafficking, domestic violence, or other crimes)
- Special immigrant juveniles
- Active military duty families, and others.

The new rule is clear that benefits received only by an immigrant's family members (children or others) DO NOT count during the immigrant's public charge test.

The new Public Charge rule DOES NOT include all public benefits.

If you are one of the few immigrants who need to worry about Public Charge, remember there are some important benefits that do not count in a Public Charge test (*see table on back*).

Some of the Benefits that can be counted in a Public Charge Test:	Some of the Benefits that cannot be counted in a Public Charge Test:
<ul style="list-style-type: none"> • SSI (Social security insurance for people without much work history) • TANF (Monthly cash for families) • Medicaid Long-Term Care • Starting October 15, 2019. These changes did not start on October 15, 2019.* (See update below.): <ul style="list-style-type: none"> » Non-emergency Medicaid (OHP) for adults who are not pregnant » Public Housing and Section 8 subsidized housing » SNAP (food stamps) <p>Not a complete list.</p> <p>*Update: Federal judges have blocked the new public charge rule. It did NOT go into effect on October 15, 2019. We don't know when the rule will be implemented. Check the resources at the bottom of this page for on-going updates.</p>	<ul style="list-style-type: none"> • Medicaid (OHP) for kids under 21 • Medicaid (OHP) for pregnant women, including 60 days post-partum • Emergency Medicaid (CAWEM) • Oregon's Cover All Kids program • WIC (Nutrition assistance for women, infants, and children to age 5) • Special Education • School-based health services for school-aged kids • Social Security Retirement • School lunch • Medicare • Unemployment Insurance • Food from the food bank or food boxes <p>Not a complete list.</p>

What you can do:

Understand whether the public charge test applies to you before you drop any benefits your family needs. There is no one right answer for everyone.

- Seek advice from an immigration attorney. Find immigration attorneys at oregonimmigrationresource.org.
- Seek public benefits advice from Legal Aid/Oregon Law Center's Public Benefits Hotline at 1-800-520-5292.
- Stay informed about changes to Public Charge by checking oregonimmigrationresource.org and www.protectingimmigrantfamilies.org.

Frequently
Asked
Question:

How long will
the new Public
Charge rule be
“blocked”?

**There is no exact date when the
“block” ends. Stay informed!**



oregonimmigrationresource.org

protectingimmigrantfamilies.org

Oregon Law Center/Legal Aid Public Benefits
Telephone Hotline 1-800-520-5292

Frequently Asked Question:

If the rule is “unblocked” by a judge, will the rule be retroactive?

No. The new Public Charge Rule was blocked before it went into effect.

Frequently Asked Question:

Should my client get off benefits now just in case the rule is “unblocked”?

- There is no one right answer for everyone.
- Remind people that many immigrants are exempt from Public Charge, there are lots of benefits that don't count in a Public Charge Test, and the new rule isn't even in effect yet.
- Provide fact sheets and resources to stay updated.

Frequently Asked Question:

I'm a refugee.
Should I stop
getting benefits
until I get my
green card so I'm
not found to be a
Public Charge?

No. Refugees are exempt from Public Charge in the old rule (currently in effect) and the proposed new rule.

Frequently Asked Question:

I will be applying
for my green
card soon.
Should my U.S.
citizen kids stop
getting benefits
so I'm not a
"Public Charge"?

**No. Benefits that an immigrant's citizen
children get do not count against the
immigrant in his/her Public Charge Test.**

Frequently Asked Question:

My kids get Cover All Kids OHP. Will this make them a “Public Charge”?

No. Cover All Kids OHP coverage does not count as a public charge benefit under the old (currently in effect) rule, or the proposed new rule.

Frequently
Asked Question:

I need to renew
my “green card.”
Will I face the
Public Charge
Test?

**No. The Public Charge Test does not
apply when someone is renewing their
green card.**

Frequently Asked Question:

I am already an LPR. Will I face the Public Charge Test when I apply to become a U.S. citizen?

No. The Public Charge Test does not apply when someone is “naturalizing” to become a U.S. citizen.

Q&A

- Please type your questions into the webinar platform!

Thank you!

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