

IMMIGRANTS **RISING** “PUBLIC CHARGE”: IMMIGRATION & GOVERNMENT ASSISTANCE FACT SHEET

TRANSFORMING LIVES THROUGH EDUCATION

“Public Charge” Fact Sheet

Since 1882, U.S. law has said that anyone who is likely to become a “public charge” is not allowed to immigrate to the U.S. The Trump Administration is proposing to change the meaning of the words “public charge” so that it will be more difficult for many immigrants to stay in the U.S. and become permanent residents.

Current Definition of “Public Charge”

Someone who relies primarily on the government for their living support, meaning anyone who:

- **Receives monthly cash benefits from the government** (Supplemental Security Income or SSI, Temporary Assistance for Needy Families or TANF, or state or local welfare or “General Assistance” programs such as CalWORKs in California)
- **Lives in a government institution**



Proposed New Definition of “Public Charge”

The Trump Administration is proposing to make the definition of “public charge” much broader, to include the categories above PLUS anyone who:

- **Receives “Food Stamps” to help buy groceries** (Supplemental Nutrition Assistance Program or SNAP)
- **Receives health insurance through Medicaid** (called Medi-Cal in California)
- **Receives prescription drugs insurance through Medicare Part D**
- **Lives in Public Housing or pays rent with Section 8 housing vouchers**
- **Suffers from a serious health problem such as cancer**
- **Does not have private health insurance**
- **Does not have a stable job**
- **Earns less than 125% of federal poverty level** (\$31,375 for a family of four)
- **Does not have a high credit score**
- **Lives in a household with many people**
- **Does not speak English**
- **Does not have a high school degree**
- **Is under the age of 18**
- **Is over the age of 61**

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According to the new rule being proposed, immigrants in these categories may be considered more likely to be a “public charge” and may be denied permanent residence (a “Green Card”) or an extension of their temporary status (like a student visa). The categories listed in bold are “heavily weighted” and more likely to result in the Green Card being denied.¹

PRO & CON ARGUMENTS

SUPPORTERS of the new rule say that the government has always tried to keep poor people from immigrating to the U.S., and they are a bad fit for the country.

“We can be choosy about who we allow into the country. One of the primary factors ought to be ensuring that the legal immigrants who come in are people who can financially support themselves.”

- Hans von Spakovsky, senior fellow with the Heritage Foundation, quoted in Fox News, 9/23/18

“Public charge laws were a central feature of public policy from the time the Thirteen Colonies were first founded.... Rather than a condemnation of the poor, such legislation reflected the colonists’ belief that citizens were obligated to care for themselves, rather than placing the burden for their sustenance on their neighbors.”

- “Public Charge 101,” Federation for American Immigration Reform Fact Sheet, 9/27/18

“This isn’t a moral issue. A Honduran with a sixth-grade education level isn’t morally flawed, but he works three jobs and still can’t feed his family. Immigrants with low levels of skill are a mismatch for a modern society like ours.”

- Mark Krikorian, executive director of the Center for Immigration Studies, quoted in the New York Times, 9/22/18

OPPONENTS of the new rule say that it is unfairly favors the rich and attacks even U.S. citizen children who have immigrant family members.

“[The new rule] would radically reshape our legal immigration system, putting the wealthy at the front of the line, ahead of hardworking families who have waited years to reunite. No longer would the U.S. be a beacon for the world’s dreamers and strivers. Instead, America’s doors would be open only to the highest bidder.”

- Letter signed by over 1,110 community organizations, quoted in CNN, 9/25/18

¹ One factor by itself would not necessarily make someone a “public charge,” but the government is allowed to deny Green Cards based on any of these factors. Some immigrants are not subject to the public charge test, including refugees, asylum seekers, and people covered by the Violence Against Women Act, U visas, T visas, and Special Immigrant Juvenile Status.

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"While immigrants use [government] benefits at lower rates than Americans overall, this rule would penalize hard-working immigrants who use even just a few dollars in benefits over a relatively short period to cover a one-time need. That's not most people's definition of a 'public charge.'"

- Theresa Cardinal Brown, director of immigration and cross-border policy at the Bipartisan Policy Center, 9/25/18

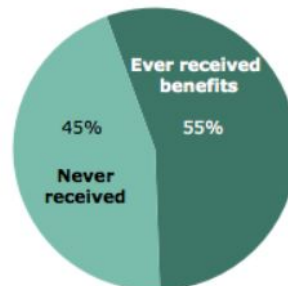
"One in four children in the U.S. live in an immigrant family and nine out of 10 of those kids are U.S. citizens. This will have a huge impact on the foundation of our 'nation of immigrants.'"

- Julie Linton, co-chair of the American Academy of Pediatrics Immigrant Health Special Interest Group, quoted in Time Magazine, 9/24/18

ADDITIONAL DATA: HOW MANY PEOPLE RECEIVE GOVERNMENT BENEFITS?

A Majority of Adults Have Received Benefits

% of all adults who have ever received benefits or services from at least one of the following six federal entitlement programs: Social Security, Medicare, Medicaid, welfare, unemployment benefits or food stamps



Note: Based on total sample, N=2,511.

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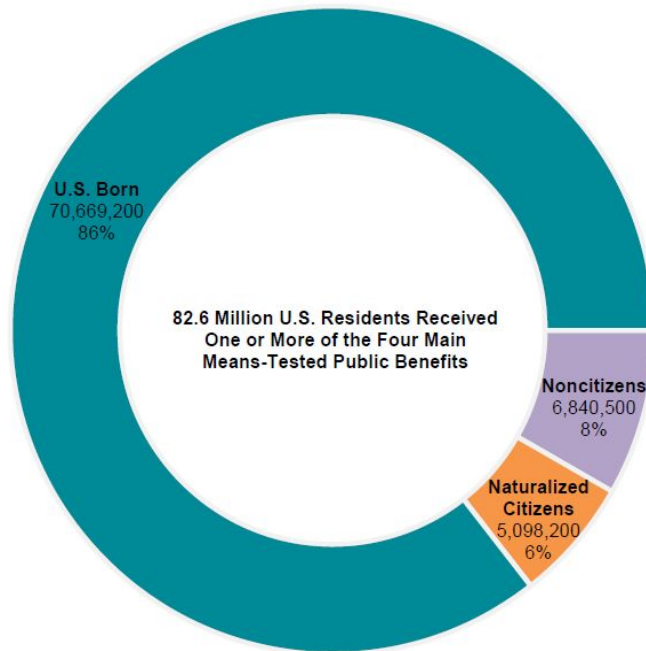
Source: Rich Moran, Paul Taylor, and Eileen Patten, "A Bipartisan Nation of Beneficiaries," *Pew Research Center*, December 2012

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Figure 2. Citizenship Status of Individuals Receiving Public Benefits, 2014–16



Notes: The four means-tested public benefit programs included in these data are: (1) Federal, state, and local public cash assistance, including TANF and GA; (2) SSI; (3) SNAP; (4) Medicaid and CHIP. Data include all individuals, excluding those living in group quarters.

Source: MPI tabulation of U.S. Census Bureau pooled 2014–16 American Community Survey (ACS) data.

Source: Jeanne Batalova, Michael Fix, and Mark Greenberg, “Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families’ Public Benefits Use,” *Migration Policy Institute*, June 2018