

REPRESENTATIVE  
RO KHANNA  
to discuss

# PUBLIC CHARGE



**March 2, 2019**  
**Fremont Senior Center**  
**3:30pm – 5pm**



# Health Center Perspective

## Dr. Zettie Page

### CEO, Tri-City Health Center



# — DEFINING 'PUBLIC CHARGE' —

## Inadmissibility for Immigration

### CURRENT PRACTICE VS PROPOSED RULE



# Immigration & Public Benefits



## CalFresh - Nutritional Assistance

Residency: 5 Years Qualified  
Work: 40 Qualifying Quarters

Unless You Are:

Exempt from Residency  
& Work Requirements

LPR CE <18 >65 B.D. R A D  
P U VET HLT CMAI AMA T SIV HC

## California Food Assistance Program (CFAP)

Residency: Less Than 5 Years Qualified

LPR CE P U



## Medi-Cal - Healthcare Access: Full Scope

LPR R A D DACA DED P PIP  
T TEF U UEF EA SIV  
PREC <18 HC VET



## Refugee Cash Assistance (RCA)

R A HC SIV  
T TEF U VAMA



## CalWORKs - Work & Economic Assistance

Residency: 5 Years Qualified

Exempt from Residency Requirement

LPR CE R A D T U  
P LPR/D VET SIV HC AMA



## General Assistance

LPR CE P D R  
T U DV HN SIV

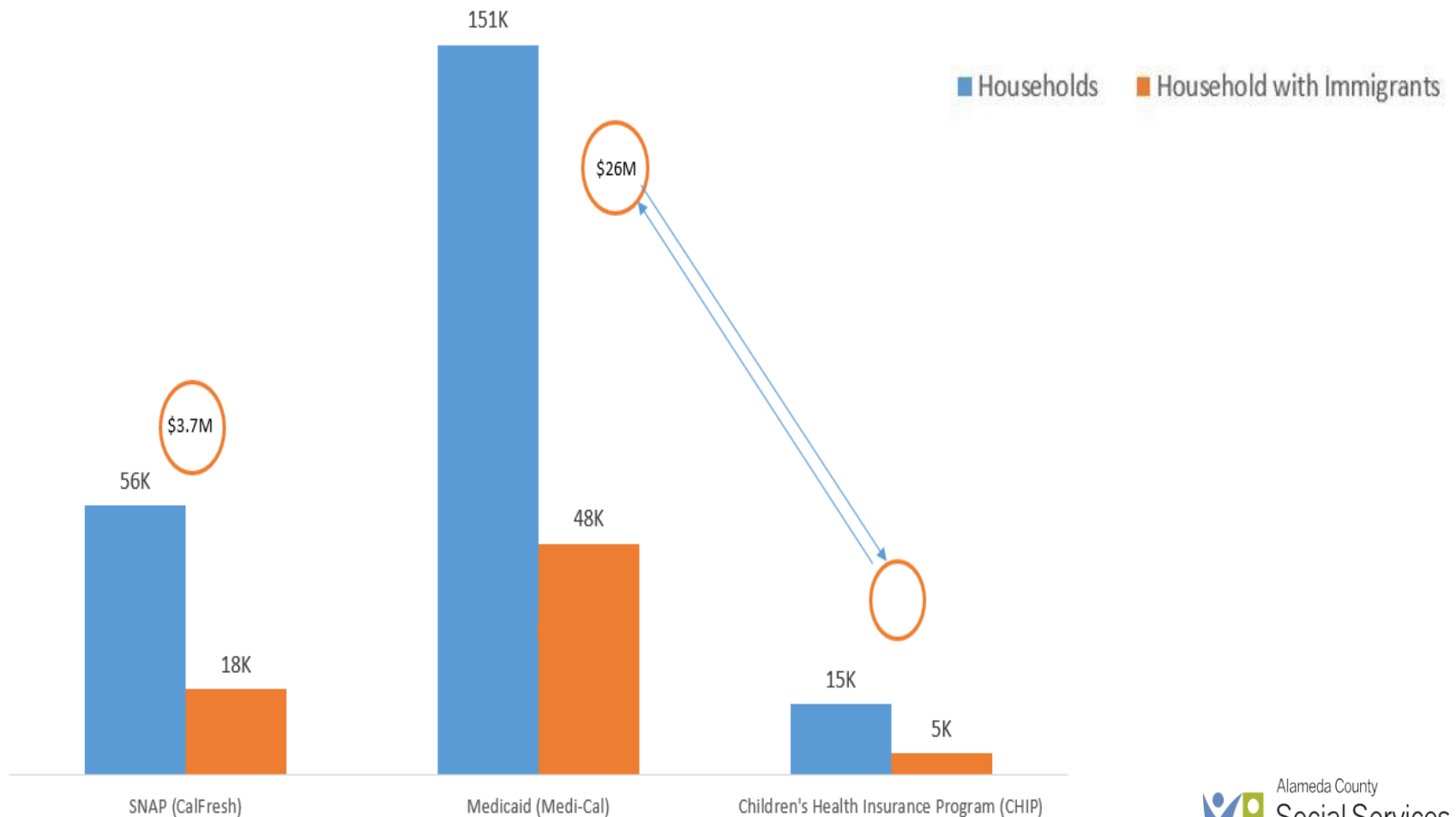
# Immigration & Public Benefits



A	Asylee Admitted Under INA Section 208
AMA	Amerasian
B D	Blind or Disabled
CE	Conditional Entrant Under INA Section 203(a)(7)
CMAI	Cross-Border American Indian from Canada or Mexico
D D	Deportation Withheld Under INA Section 243(h), 241(b)(3)
DACA	Deferred Action for Childhood Arrivals
DED	Granted Deferred Enforcement Departure (DED)
DV	Domestic Violence Under Violence Against Women Act (VAWA)
EA	Registry Applicant or Order of Supervision with Employment Authorization
GDA	Granted Deferred Action
HC HC	Haitian or Cuban Entrant Under INA Section 501(e)
HN	Haitian National with USCIS Form 1-94S
HLT	Hmong/Lao/Tian Tribe Who Aided During Vietnam Era
LPR	Lawful Permanent Resident
LPR/D	Lawful Permanent Resident with 40 quarters Qualifying Work History
P	Parolee Under INA Section 212(d)(5)
PIP	Public Interest Parolee
PREC	Pregnant
R R	Refugee Under INA Section 207
SIV SIV	Iraqi & Afghan Special Immigrant Visa Under INA Section 101(a)(27)
T T	Trafficking Victim - T Visa
TEF	T Visa Eligible Family Members
U U	Battered Noncitizens - U Visa
UEF	U Visa Eligible Family Members
VAMA	Vietnamese Amerasians Under INA Section 584
VET VET	Military Connection / Veteran
<18	Children Under the Age of 18
>65	Over the Age of 65 Lawfully Residing in the U.S. on 8/22/1996

Green circle: Visa or Entrant Type Blue circle: May be Exempt from Some Eligibility Restrictions

# Estimated Annual Impact of Potential Disenrollment by 13% from Public Benefits by Immigrants in Alameda County

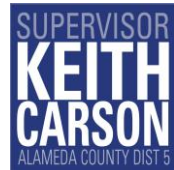




# Alameda County & Social Services Agency (SSA) Actions



- SSA drafted letter and BOS officially opposed change in October 2017
- Participating in weekly statewide and national advocacy calls
- Conference call with the Office of Management and Budget with Supervisor Wilma Chan
- Participated in a County Town Hall led by Supervisor Chan in coordination with Board Offices, HCSA, and over a dozen community organizations
- Released 2 Media Advisories in collaboration with Supervisor Wilma Chan
- Issued All Staff Memos along with FAQ's (translated into 8 languages)
- Developed a public Immigrant Resources web page
- Presented before the BOS Ad Hoc Committee on Immigrant & Refugee Rights, Community events, and to County Department Heads.



Alameda County  
Health Care Services Agency



ALAMEDA HEALTH  
CONSORTIUM



ASIAN HEALTH SERVICES



Until everyone's fed

Senior Services Coalition  
of Alameda County



CWDA  
Advancing Human Services  
for the Welfare of All Californians



NATIONAL IMMIGRATION LAW CENTER

# Recommended Next Steps

## For partner agencies:

- Share accurate and timely information with community members.
- Encourage constituents to continue to apply for public benefits.
- Encourage clients to talk to an immigration attorney for any specific questions regarding concerns.

## For constituents:

- Share the information with your friends and family.
- Continue to apply for public benefits as needed. Remember, eligibility has not changed!
- Contact your local elected officials, including your Congressional representatives, to support actions that protect immigrant communities.

# Thank you!



## **Questions? Contact:**

Anissa Basoco-Villarreal

Policy Director, Agency Administration

Alameda County Social Services Agency

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# PUBLIC CHARGE



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## By Statute: INA 212(a)(4)

“Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, **is likely** at any time **to become** a public charge is inadmissible.”

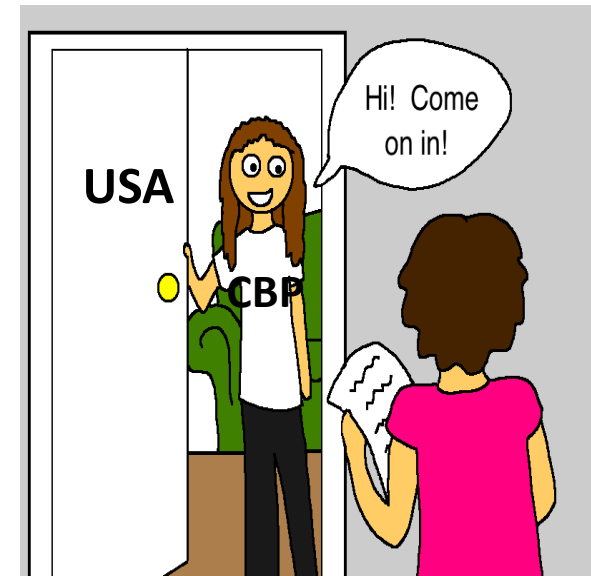
This is a future looking test.



# Public Charge

A test applied only at certain points along the immigration path:

- when they **apply to enter** the US and
- when they **apply to become a lawful permanent resident (LPR)**



There is no public charge test when an LPR applies for naturalization.

Mainly impacts individuals who hope to immigrate through a family member  
(and their family members)

# Public Charge Exemptions


Many immigrants are **not subject to public charge**:

- **Refugees and asylees**
- **Special Immigrant Juvenile Status**
- **U** nonimmigrant status
- **VAWA** self-petitioners
- **T** nonimmigrant status
- **DACA**
- **TPS**
- Others (Amerasians; Afghan and Iraqi military translators; certain Cuban and Haitian adjustment applicants; certain Nicaraguans and Central Americans under NACARA; Registry applicants; Soviet and Southeast Asian Lautenberg parolees)
- Most **legal permanent residents**
- **U.S. citizens**

**\*But public charge applies if getting green card through family!**

# Public Charge

**Current:** Someone who is likely to become primarily dependent on the government to support themselves.



**Proposed Rule:** An immigrant “who receives one or more public benefits”



# Proposed Changes

New definition of “public charge”

Totality of circumstances test has new detailed negative factors that make it harder for low and moderate income people to pass

Additional public benefits included

# Public Charge – Current Policy

## Programs that currently “count”

- Cash assistance
- Long term institutionalization

## Programs that do not “count”

- Health and nutrition programs
- Any non-cash assistance

Use of Benefits by Family members do not count against you

# Benefits Considered in Proposed Rule

- Medicaid (federally-funded Medi-Cal),

NOT including:

Emergency services

School-based benefits to children

- Food Stamps- SNAP (federally-funded CalFresh)
- Section 8 housing assistance
- Subsidized housing
- Financial assistance under Medicare Part D
  
- Long-term care
- Cash assistance: SSI, TANF, General Assistance

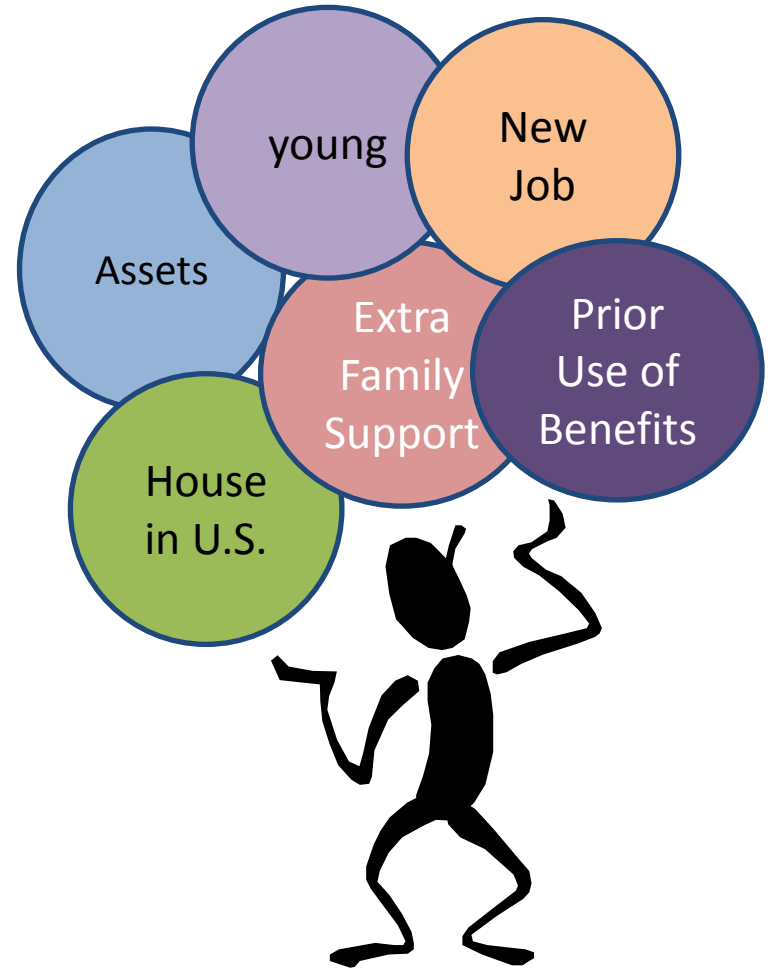
*\***proposed additions in red**, cash assistance and long-term care would continue to be considered*

# Public Charge- assessing future likelihood

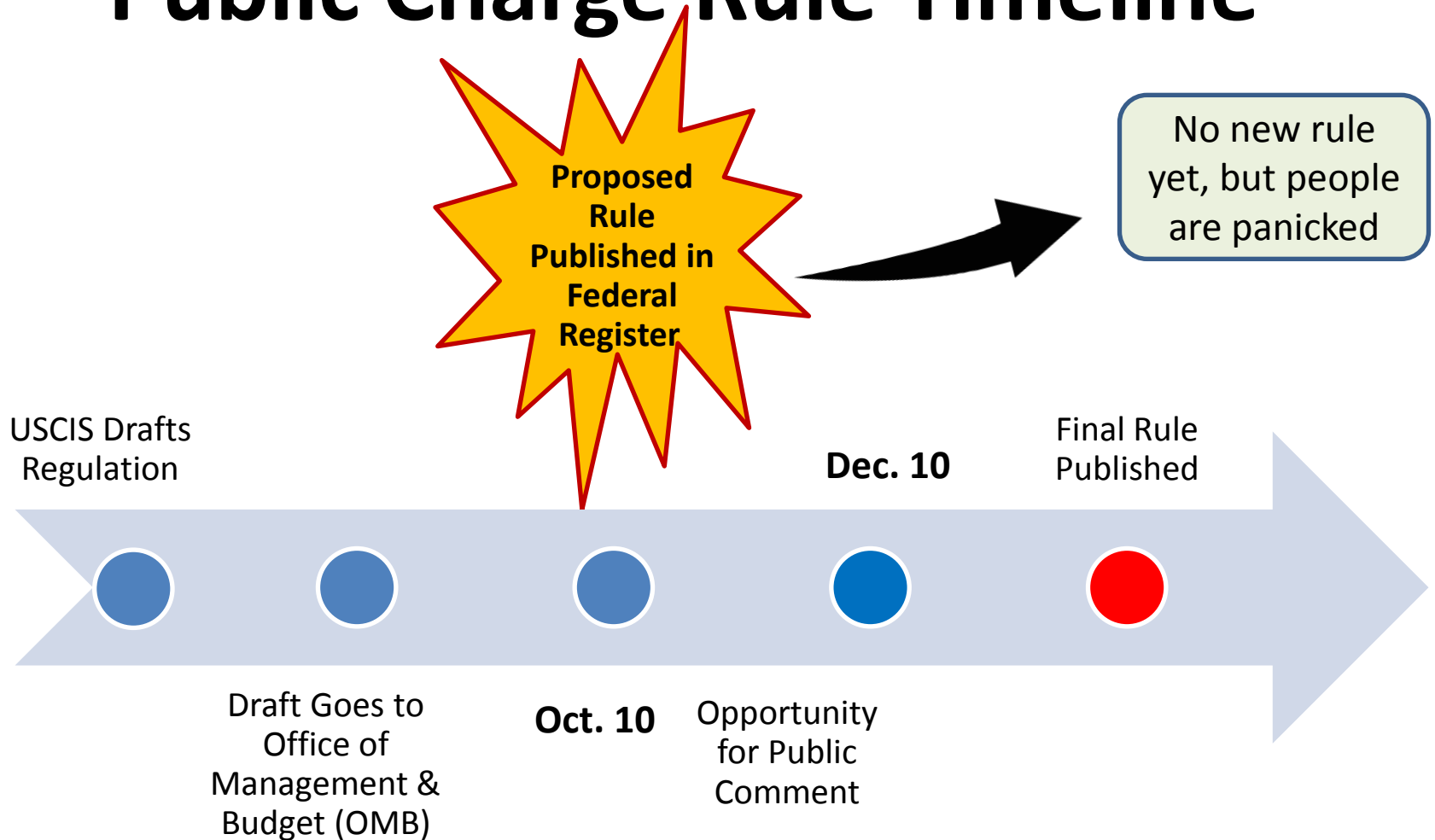
Immigration and consular officers will consider:

- age
- health,
- assets, resources, and financial status
- family status,
- education and skills
- affidavit of support
- other factors may be considered

**DHS must consider the totality of circumstances**



# Public Charge Rule Timeline



# What does NOT count against the immigrant?

- BENEFITS USED BY U.S.-CITIZEN FAMILY MEMBERS!!
- Children's Health Insurance Program (CHIP) – this may change in final rule
- Emergency and school-based Medicaid
- Emergency and disaster relief
- Public health services
- WIC
- School-based nutrition services and public education, including Head Start
- Earned benefits, such as unemployment, social security retirement, workers compensation
- Tax credits
- Benefits used by members of the military, Ready Reserve, and their spouses and children
  - Any other federal, state, or local benefit that is not listed on the prior slide
  - Services available to the community as a whole (no income requirement)



# WHAT CAN WE DO?



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# Get Legal Advice Before Disenrolling from Public Benefits Programs

- Attorneys
  - Private attorneys
  - Non-profit organizations
- Department of Justice (DOJ) Accredited Representatives
- Free legal clinics provided by Non-profit organizations
- *Many free or low-cost services available!*
- ***BEWARE: NOTARIOS AND IMMIGRATION COUNSELORS WHO DO NOT KNOW THE LAW AND SAY ANYTHING TO STEAL YOUR MONEY***

# APPLY FOR US CITIZENSHIP





# Know Your Rights!



# Contact Information

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# THANK YOU



Erin Quinn  
Senior Staff Attorney, ILRC







**THANK YOU!**



*Legal Outreach*

*Working for Equal Justice in the API Community*

**Congressional Oversight  
Dong Suh, Chief Deputy of  
Administration  
Asian Health Services**



**ASIAN HEALTH SERVICES**



ALAMEDA HEALTH  
CONSORTIUM



# How to Talk About Public Charge to Immigrants and Their Families

Gregory C. Garrett, MPH  
Chief Policy and External Affairs Officer  
Alameda Health Consortium

Eugene Canson, MPH  
Health Policy Analyst  
Alameda Health Consortium

Stephen Knight  
Director of Policy and Partnerships  
Alameda County Community Food Bank

# Helpful Information to Share with Immigrant Families

For public charge decisions made in the U.S., nothing has changed yet

- The U.S. Department of Homeland Security proposal has not been finalized yet, and finalizing it could take months.

Use of public benefits alone will not make you a public charge

- Immigration officials must look at the **totality of circumstances** in determining whether someone is likely to become a public charge in the future.

The public charge determination is a forward-looking test.

- Health care, nutrition, and housing programs can help you and your children remain strong, productive, and stable. Even if the rules change, you will have a chance to show why you are not likely to rely on certain benefits in the future.



# Helpful Information to Share with Immigrant Families

## The proposed rule is not retroactive

- Under the proposal, benefits previously excluded from the public determination (Medicaid & SNAP) will be considered only if those benefits are received after the final rule is published.

## Some immigrants are exempted by law from the public charge test.

- *Exempt immigrants (or those eligible for a waiver)* include: refugees; asylees; survivors of trafficking, domestic violence, or other serious crimes (T or U visa applicants/holders); VAWA self-petitioners; special immigrant juveniles; and certain people paroled into the U.S.

## Public Charge does not apply to some applications for U.S. Citizenship

- Lawful permanent residents (green card-holders) are not subject to the public charge test when they apply for U.S. citizenship. These laws will remain in place, even if the proposed regulation is finalized.



# Helpful Information to Share with Immigrant Families

## Continue to use federal programs that support your family

- If you are applying for a green card or visa inside the U.S., legal experts recommend that you continue to use federal assistance that helps your family.
- If or when the proposed rule is finalized, the government will make an announcement and is likely to give 60 days' notice before the rule change affecting individual immigration applications begins

## Your personal information is safe

- Federal and state laws protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits.

## You are not alone

- Hundreds of thousands of people are taking action against these attacks on immigrant families.





# Additional Remarks



# Q&A



# Thank you!



ALAMEDA HEALTH  
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ALAMEDA COUNTY  
**COMMUNITY**  
**FOOD BANK**



ASIAN HEALTH SERVICES

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FOR HEALTH



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