

Talking Points on Public Charge for State Health Officials
Updated as of February 25, 2020

The Supreme Court Ruling

- On January 27, 2020, the United States Supreme Court set aside the remaining nationwide preliminary injunction that was blocking the Department of Homeland Security's new public charge rules.
- This means that the new public charge rules are now in effect nationwide.
- The Department of Homeland Security will begin implementing the new public charge rules on February 24, 2020. Applications for admission or lawful permanent residence submitted **on or after** February 24, 2020 will be subject to the new public charge rules.
- The Supreme Court decision did not determine the legality of the new public charge rules, and lawsuits challenging these new rules continue to play out.
- If you have questions about the new public charge rules and what it could mean when implemented, visit [X.org/call X](https://www.dhs.gov/x) to learn more, or contact an immigration attorney to better understand how the rule could impact you.

About the New Public Charge Rules

- The Department of Homeland Security final regulation changes how it determines whether certain immigrants are likely to become a "public charge" – or someone who is likely to depend on the government for financial assistance.
- Under the new public charge rules:
 - Someone can be subject to a public charge determination (and potentially be denied legal permanent status, etc., if found to be a public charge) if they are:
 - Seeking to obtain a green card
 - Seeking to legally enter the U.S.
 - Seeking to extend their stay
 - Seeking to legally change visa types
 - Many immigrants will NOT be subject to public charge.
 - Public charge does NOT apply to people in specific immigration categories such as asylees, refugees, victims of domestic violence, U or T visa holders, and more.
 - Public charge does NOT apply to green card holders UNLESS they are attempting to return to the U.S. after six months or after leaving with certain criminal convictions.
 - Public charge also does NOT apply to U.S. citizens.

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- The new changes include considering the use of certain public programs when determining whether someone is a public charge. **However, there are some important exemptions you need to know about, especially when it comes to health insurance:**
 - The rule does NOT consider use of the following health benefits in determining whether someone is a public charge:
 - [CHIP]
 - Medicaid, if you are:
 - A child or young adult under 21 (their use of Medicaid does not count against any family member)
 - Pregnant (including up to 60 days post-partum)
 - An immigrant receiving emergency Medicaid
 - [MARKETPLACE] plans, including [TAX CREDITS/SUBSIDIES /APTCs]
 - Basic Health Program (BHP)/public option (IF YOUR STATE HAS ONE)
 - [STATE-FUNDED HEALTH PROGRAMS]
- The new rules apply for applications for admission or lawful permanent residence submitted **on or after** February 24, 2020.
- To find out if the rule applies to you or your family, we recommend speaking with an immigration expert. If you need assistance, contact [LEGAL AID IN STATE OR SIMILAR ORGANIZATIONS].
 - If asked to close account:
 - Speak to an immigration expert before deciding to close your account or not to enroll in health insurance as many immigrants are not impacted. Having health insurance for you and your family means you can get the care you need, when you need it.
 - We're here to help at [MARKETPLACE]. If you have questions about plan options and the financial help you can receive, please call us back.

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