



Health Reform: **Beyond the Basics**

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Public Charge: What You Need to Know When Helping People Enroll in Health Coverage

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*Presented by the Center on Budget and Policy Priorities
Shelby Gonzales, Director of Immigration Policy*

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Trump administration's 'public charge' rule has chilling effect on benefits for immigrants' children

Bloomberg Law HEALTH LAW & BUSINESS NEWS INSIGHTS

Wary Immigrants May Flee Obamacare Over 'Public Charge' Fears

Houston Public Media A SERVICE OF THE UNIVERSITY OF HOUSTON schedules: TV 8 Guide News 88.7 Classical Mixtape

Immigrant Families Suffer Health Impacts, As Many Fear New Public Charge Rule

THE HILL **Pediatricians speak out: A 'public charge rule' is dangerous for children**

BY DRS. AVITAL FISCHER, SUMEET BANKER AND CLAIRE ABRAHAM, OPINION CONTRIBUTORS — 09/01/19 05:00 PM EDT
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

CBS NEWS NEWS HURRICANE DORIAN SHOWS LIVE

Immigrants already dropping benefits ahead of new Trump rule, California counties say

kpbs LISTEN LIVE WATCH SHOWS

Fear Of New Rule Might Be Impacting Immigrant Applications For Public Benefits

CaliforniaHealth **REPORT**

As Families Drop Health Benefits Over 'Public Charge' Rule, Clinics Scramble to Respond

The Times Record Local. Legitimate. Journalism. Midcoast Maine's Only Daily Newspaper

Trump rule change on public benefits sows 'fear and confusion' among Maine immigrants

- Most people do not go through public charge assessments and therefore the policy changes will not be relevant to them or their families.
- Many benefit programs including but not limited to the Children's Health Insurance Program and the Affordable Care Act's marketplace coverage are not negatively factored into public charge assessments.
- **Medicaid enrollment (with important exceptions) is negatively factored into the assessment; but most people eligible for the type of Medicaid negatively counted in the assessment will never undergo a public charge assessment.**
- Having health insurance is viewed favorably in a public charge assessment.

Part I:

Role of Health Coverage Outreach and Enrollment Assistance Providers

Consumer Assistance Providers Can Play a Role in Mitigating Fear



Do:

- Provide factual information about changes to public charge assessments
- Connect consumers with additional resources to help them make informed decisions
- Provide information about the value of comprehensive health insurance
- Provide information about privacy protections related to information shared for enrollment purposes

Don't:

- Feel you must become immigration policy experts
- Tell people that their immigration status will be safe or at risk based on their decision to enroll in health coverage

Part II:

Public Charge

- Public charge is part of immigration law
- Public charge does not create eligibility restrictions for enrollment in public health insurance/coverage programs or other public benefit programs
- For many decades, immigration policy has defined public charge as a person primarily dependent on the government for subsistence. Since 1999, this has been measured by use of:
 - Cash assistance for income maintenance (such as SSI, TANF, GA)(not short-term or cash intended for a specific purpose)
 - Long term care in an institution paid for by the government (i.e. Medicaid)

- The assessment is forward looking: Is this person likely to become a public charge in the future?
- The law requires immigration officials to look at many factors (totality of the circumstances)
 - Age
 - Health
 - Financial status
 - Benefits use is part of, but not all of this assessment
 - Dependents
 - Skills and work experience
 - Sponsor affidavit of support

- The “public charge” definition was radically changed to be a person who has received or is “more likely than not” to receive in the future, assistance from a broader set of benefits (for more than 12 months in a 36-month period in aggregate). Benefits considered:
 - Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
 - Federal public housing and Section 8 assistance
 - Medicaid (with some exceptions, see slide 17).
 - Cash assistance programs (like SSI, TANF, General Assistance)
- The new broader definition applies to people who undergo public charge assessments related to an immigration application submitted on or after February 24, 2020.
- In addition to changes in definition, many other standards were defined in the new policy that disadvantage low- and moderate-income applicants.

Public charge primarily affects people seeking immigration status based on family relationship and, to a lesser extent, people seeking immigration status based on employment.

Certain people undergo public charge assessment when they:

- Apply to come to the United States
- Apply to become a lawful permanent resident (LPR, a.k.a. green card holder)
- Are an LPR who leaves the U.S. for over 6 months, and are selected to go through public charge when they return

Examples of times when no public charge assessment is completed:

- When an LPR applies for citizenship
- When an LPR renews their LPR status (green card)

Many Immigrants Will Not Go Through a Public Charge Assessment

- Many immigrants whose status is based on humanitarian reasons do not have to go through a public charge assessment even when they are applying to become LPRs, including:
 - Asylees
 - Refugees
 - Special immigrant juveniles
 - Certain people paroled into the U.S.
 - Violence Against Women Act self-petitioners
 - Victims of Criminal Activity (U Visa applicant/holder)
 - Victims of Human Trafficking (T Visa applicant/holder)

- Ricky and Eva are married and have a daughter, Karina
- Ricky has been a lawful permanent resident for 6 years and is applying to become a U.S. citizen
- Eva has Temporary Protected Status and is applying to become a lawful permanent resident
- Karina is a U.S. citizen





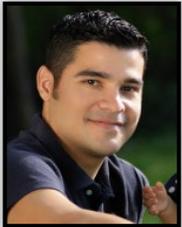
Immigration-Related Goal

Is this person likely to undergo a public charge assessment ?



Seeking to obtain LPR status

Yes



Seeking to become a citizen of the U.S.*

No. There is no public charge assessment in the application process to become a citizen of the U.S.



N/A

No

*If Ricky leaves the U.S. for more than 6 months, he may go through a public charge assessment

Part III:

Public Charge and Health Insurance Affordability Programs

- **Having health insurance is viewed favorably** in a public charge assessment.
- The following health insurance affordability programs will not be negatively factored into a public charge assessment:
 - ACA marketplace health insurance with a premium tax credit and/or cost sharing reduction
 - Children's Health Insurance Program (CHIP)
 - State or local health coverage programs
- **Medicaid enrollment (with important exceptions) is negatively factored into the assessment; but most people eligible for the type of Medicaid counted in the assessment, will never undergo a public charge assessment.**

Because the policy is complex, many people who have nothing or little to fear may still be confused and/or frightened by the changes, which could lead them to unnecessarily go without benefits

- Signing up for Medicaid will not be negatively factored into public charge assessments for the following groups:
 - People who get Medicaid when they are younger than 21
 - People who get Medicaid based on pregnancy (including 60 days after pregnancy)
 - People in the U.S. military or Ready Reserve, including their spouses and children
- Use of Medicaid will not be negatively factored into a public charge assessment for people who only get Medicaid for medical services related to life-threatening emergencies or only get school-based health services paid for by Medicaid.
- A person's spouse or child enrolling in Medicaid will not be negatively factored into the person's public charge assessment.

- Ricky and Eva are married and have a daughter, Karina
- Ricky has been a lawful permanent resident for 6 years and is applying to become a U.S. citizen
- Eva has Temporary Protected Status and is applying to become a lawful permanent resident
- Karina is a U.S. citizen



ACA Marketplace Coverage is Not a Negative Factor in a Public Charge Assessment



Immigration Status	Subject to a Public Charge Assessment?	Enrolled in Health Insurance Affordability Program?	Will Benefits Be a Negative Factor in a Public Charge Assessment?
 Temporary Protected Status	Yes, Adjusting to LPR	Yes, ACA Marketplace	No
 LPR (6+ Years)	No. Applying for U.S. citizenship	Yes, ACA Marketplace	N/A
 U.S. Citizen	No	Yes, Medicaid	N/A

Benefits Used by a Family Member Are Not a Negative Factor in a Public Charge Assessment

Immigration Status	Subject to a Public Charge Assessment?	Enrolled in Health Insurance Affordability Program?	Will Benefits Be a Negative Factor in a Public Charge Assessment?
 Temporary Protected Status	Yes, Adjusting to LPR	Yes, ACA Marketplace	No
 LPR (6+ Years)	No. Applying for U.S. citizenship	Yes, ACA Marketplace	N/A
 U.S. Citizen	No	Yes, Medicaid	N/A

Pregnancy-Related Medicaid is Not a Negative Factor in a Public Charge Assessment

	Immigration Status	Subject to a Public Charge Assessment?	Enrolled in Health Insurance Affordability Program?	Will Benefits Be a Negative Factor in a Public Charge Assessment?
	Temporary Protected Status	Yes, Adjusting to LPR	Yes, Medicaid for Pregnancy	No
	LPR (6+ Years)	No. Applying for U.S. citizenship	Yes, ACA Marketplace	N/A
	U.S. Citizen	No	Yes, Medicaid	N/A

When a person expresses concern about public charge, the following questions may help identify if there is a risk related to use of health insurance affordability programs:

- Are they likely to undergo a public charge assessment?
- Are they eligible for Medicaid? If so, is the type of Medicaid negatively factored into public charge assessments?
- Are they eligible for other health insurance affordability programs that will not be negatively factored into public charge assessments?
- What would going without sufficient health coverage (and/or other supports like food and housing) mean for their family, their health and their financial status?

Part IV:

Public Charge and Other Benefit Programs

Benefits Factored In

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal public housing and Section 8 assistance
- Cash assistance programs (like SSI, TANF, General Assistance)
- Medicaid (with some exceptions, see slide 17).

Benefits Not Factored In (Examples)

- Affordable Care Act marketplace insurance (including premium tax credits and cost sharing reductions)
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Children’s Health Insurance Program (CHIP)
- School lunches
- Food banks
- Shelters
- State and local health programs
- **And many more**

Example: Ricky, Eva and Karina

- Ricky and Eva are married and have a daughter, Karina
- Ricky has been a lawful permanent resident for 6 years and is applying to become a U.S. citizen
- Eva has Temporary Protected Status and is applying to become a lawful permanent resident
- Karina is a U.S. citizen



Use of Benefits By Family Members is Not a Negative Factor in a Public Charge Assessment

	Immigration Status	Subject to a Public Charge Assessment?	Enrolled in Benefit Program?	Will Benefits Be a Negative Factor in a Public Charge Assessment?
	Temporary Protected Status	Yes, Adjusting to LPR	No	No
	LPR (6+ Years)	No. Applying for U.S. citizenship	Yes, SNAP	N/A
	U.S. Citizen	No	Yes, SNAP	N/A

Protecting Immigrant Families Resources:

- [Know Your Rights](#)
- [Analysis and Research](#)

Beyond the Basics Resources:

- [FAQ: Public Charge and Health Coverage Programs](#)
- [Fact Sheet: How Changes to Public Charge Will Impact People Seeking Public Benefits](#)

- Shelby Gonzales, Gonzales@cbpp.org
→ Twitter: @shelbytg74
- Kyle Hayes, khayes@cbpp.org
- For general inquiries: beyondthebasics@cbpp.org

*For more information and resources, please visit:
www.healthreformbeyondthebasics.org*

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