

Overview of Public Charge Inadmissibility Rule

December 10, 2019

Shriver
Center on
Poverty
Law

PROTECTING
IMMIGRANT
FAMILIES
ILLINOIS

ABOUT THE SHRIVER CENTER

The Shriver Center on Poverty Law fights for economic and racial justice. Over our 50-year history, we have secured hundreds of victories with and for people living in poverty in Illinois and across the country. Today, we litigate, shape policy, and train and convene multi-state networks of lawyers, community leaders, and activists nationwide. Together, we are building a future where all people have equal dignity, respect, and power under the law. Join the fight at povertylaw.org.

Agenda

- Final Public Charge Inadmissibility Rule
 - Timeline
 - Who is subject to this rule?
 - What is the public charge test?
 - 1999 test
 - Test that **BLOCKED** by the courts but had been scheduled to go into effect 10/15/19
- Impact
- Messages for Community on Public Charge Inadmissibility Rule
- October 4 Executive Proclamation and Fee Hike Rule
- Resources
- Q&A

New Public Charge Rule

Timeline



Leaked Executive Order

DOS changed the Foreign Affairs Manual (FAM)

DHS published a proposed rule for a 60 day comment period.

DHS published final rule

DOS published Interim Final Rule (IFR) but does not implement it yet

Federal Courts issued nationwide injunctions blocking the DHS rule from going into effect

DHS public charge changes do not go into effect

Lawsuits Challenging the Rule



9 cases across 5 states

All 5 courts blocked the rule:

3 federal judges (in New York, Washington, and Maryland) issued preliminary injunctions that apply **nationwide**.

*“ ...Defendants [DHS] do not articulate why they are changing the public charge definition, why this new definition is needed now, or why the definition set forth in the rule – which has **absolutely no support in the history of U.S. immigration law** – is reasonable. The rule is simply a new agency policy of exclusion in search of a justification. It is **repugnant to the American Dream** of the opportunity for prosperity and success through hard work and upward mobility.”*

New York v. Department of Homeland Security, October 11, 2019

In Illinois., ICIRR and Cook County as organizational plaintiffs filed suit against the Federal Government in the Northern District of Illinois and won a temporary injunction blocking the rule from being implemented in Illinois. The Federal Government appealed, and the next court hearing date is set for January.

What Does This Mean?

- **Federal Government is Appealing the Injunctions** - The DHS rule remains blocked unless/until a court grants a stay or the decisions are overturned on appeal.
- **Effective Date Postponed** - if injunctions are overturned in the future, any newly listed public benefits received before the new effective date will not be considered.

Status of Lawsuits Challenging the Rule as of December 10, 2019



9th Circuit Court of Appeals (WA and CA), and 4th Circuit Court of Appeals (MD) both issued ruling lifting the nationwide injunctions. The remaining nationwide injunction is in the 2nd Circuit (NY); the 2nd Circuit Court of Appeals is expected to issue its ruling any day.

What is next (1/3)

- Each circuit—4th and 9th—was decided by just 3 judges (not the entire panel of judges) so the plaintiffs could ask for the entire panel (11 or 13) to sit in *en banc* review to review the injunctions. CA litigants could ask for this *en banc* option.
- If 2nd Circuit issues favorable ruling preserving the nationwide injunction then...
- Federal government can also ask for *en banc* review or ask the U.S. Supreme Court to hear the case.

What is next (2/3)

- We are waiting for the 2nd Circuit Appeals court to rule on injunction; as long as the injunction remains in place, the rule is still blocked from being implemented.
- 7th circuit court of appeals is reviewing the injunction issued by the District Court judge in the Northern District of Illinois; this injunction is still in effect for Illinois.

What is next (3/3)

- We could hear arguments on the merits of each case (so far the hearings have focused on the injunctions) as early as April;
- If 2nd circuit lifts the injunction, the new effective date for the rule could be that same day or the court could set a future effective date;
- However, the ND Illinois injunction would still block the rule from taking effect in Illinois (while waiting for 7th circuit to rule).

Messaging right now

- Importance of Know Your Rights! (like this training)
 - Facts can help combat the fear to help families make the best decision for themselves
- Stay connected to reliable source of information
- Let's learn more about the public charge inadmissibility rule...

Who Faces the Public Charge Inadmissibility Test?

May occur when a person:

- Seeks to enter the U.S.
- Applies for Lawful Permanent Residence (LPR) (“green card”)
- If LPR leaves U.S. for more than 180 consecutive days (6 months) and seeks to reenter

Does NOT apply to everyone. Examples of people who do not face the test:

- Lawful Permanent Residents when applying for citizenship
- Refugees and Asylees
- VAWA self-petitioners
- Survivors of Domestic Violence, Trafficking, or other Serious Crimes (T or U visa holders/ applicants)
- Special Immigrant Juveniles
- Some Parolees
- Certain other “humanitarian” immigrants

Who is *Most* Affected by the Public Charge Ground of Inadmissibility and the New Rule?

- Those seeking lawful permanent resident (LPR) status based on a family relationship.
 - These include the spouses, children, and unmarried adult sons and daughters of a U.S. citizen or LPR and the parents, siblings, and married sons and daughters of a U.S. citizen.

Approximately two-thirds of the one million non-citizens who obtain LPR status every year base it on a family relationship.

Does public charge apply to DACA recipients?

- There is no public charge assessment when a person renews their DACA.
- However, DACA recipients are not exempt from public charge.
 - If a DACA recipient obtained a pathway to becoming an LPR, such as by marrying a citizen, they would be subject to a public charge assessment unless the pathway were itself exempt, such as a U visa.

Will this rule affect immigrants who are already green card holders or U.S. citizens?

- The rule does not affect individuals who have already become U.S. citizens
- LPRs also are not subject to a public charge inadmissibility determination when they apply to renew their green card or when they apply to become a U.S. citizen

Current Process if Application is Processed *Inside the* United States

What are we talking about when we say “If Application is Processed Inside the U.S.”

- Rosa will be assessed under the DHS Public Charge Ground for Inadmissibility test



Applying for a Green Card from Within the U.S.

- Example: Rosa entered the U.S. on a tourist visa; she meets and marries a U.S. citizen. She applies for a green card through the family immigration pathway via her U.S. citizen spouse.

Longstanding Public Charge for Inadmissibility Test since 1999 (and still in effect as of 12.10.19)

Definition

A person who is considered “likely to become primarily dependent on the government for subsistence.”

Part of federal immigration law for over a hundred years, the test was designed to identify people who may depend on the government as their *main* source of support.

Totality of Circumstances

- Age
- Health
- Family status
- Financial status
- Education and skills
- **Affidavit of support is given great weight**

An affidavit of support is a contract that a sponsor – usually a family member – signs to accept financial responsibility for an Applicant and his/her dependents.

Benefits Considered

Only two types of benefits considered:

- 1. Cash assistance** for income maintenance (SSI, TANF, General Assistance)
- 2. Institutionalization for long-term care** at government expense

Legal Consequence of Being Determined a “Public Charge” by Immigration Officials:

- If the government determines that a person is **“likely at any time to become a public charge”** in the future, it can deny a person admission to the U.S. or LPR (or “green card” status).

Blocked Final Public Charge Rule: Definition

PREVIOUS 1999 DEFINITION

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

BLOCKED FINAL DEFINITION

- “*more likely than not at any time in the future to become a public charge, as determined based on the totality of the circumstances*” [at 41297]
- A public charge is a person who “*receives one or more public benefit... for more than 12 months in the aggregate within any 36-month period*”
 - (such that, for instance, receipt of two benefits in one month counts as two months).”

Public Benefits Added by the **BLOCKED** New Rule

Prior List of Benefits Are Still Included in New Test

- Supplemental Security Income (SSI)
- Temporary Assistance to Needy Families (TANF)
- State or local general relief or general assistance, and
- Institutionalization for long-term care.



- ****Medicaid**
- Supplemental Nutrition and Assistance Program (SNAP or food stamps)
- Section 8 Housing Choice Voucher Program
- Section 8 Project-Based Rental Assistance, and
- Public Housing

**** Exceptions on Next Slide**

Medicaid Benefits specifically **excluded** from the new **BLOCKED** list of expanded public benefits:

- Medicaid for children up to age 21 (includes the All Kids program, EPSDT, CHIP)
- Medicaid for pregnant women including for 60 days after the pregnancy ends (Moms & Babies program)
- Emergency Medicaid
- Medicaid for school-based services (including services provided under the Individuals with Disabilities Education Act)

How does the final **BLOCKED** rule affect the use of housing and homeless assistance programs?

- The rule explicitly includes only three federal housing programs:
 - Section 8 Housing Choice Voucher Program,
 - Project-Based Section 8 Rental Assistance,
 - and Public Housing.
- NHLP states that :
 - The rule would cover the Section 8 Moderate Rehabilitation program.
 - Although the final rule does not address this issue—other federal, state, and local housing programs *may be* implicated where layers of subsidies, including one of the explicitly mentioned programs, are used to make units affordable to very low-income families.

Housing and Homeless Assistance Programs **Excluded** from the Public Charge Test:

- Homeless assistance programs
- Food pantries
- Section 515 rural housing
- Section 202 supportive housing for the elderly
- Housing Opportunities for persons with AIDS
- Lead abatement programs such as HUD's Lead-Based Paint and Lead Hazard Reduction Grant
- Social Security Disability
- Unemployment benefits
- The Emergency Food Assistance Program
- USDA Home loan and grant programs

Table 1 – Comparison: Eligibility for Housing Assistance and Public Charge Exemptions

Immigrants Eligible for Public Housing and Section 8 Programs	Subject to the Public Charge Test?
Lawful Permanent Residents. ⁱⁱ	No (with limited exceptions). ^{iv}
Immigrants granted lawful permanent residence through registry under section 249 of the Immigration and Nationality Act (8 U.S.C. § 1259). ^v	No (with limited exceptions). ^{vi}
Asylees. ^{vii}	No. ^{viii}
Refugees. ^{ix}	No. ^x

Parolees. ^{xi}	Potentially (if they adjust their status through a pathway subject to the public charge test, e.g. a family-based petition). ^{xii}
Granted Withholding of Removal. ^{xiii}	Potentially (if they adjust their status through a pathway subject to the public charge test, e.g. a family-based petition) ^{xiv}
Immigrants admitted for permanent residence under section 245A of the Immigration and Nationality Act [8 USCS § 1255a]. ^{xv}	No (with limited exceptions). ^{xvi}
Immigrants admitted for temporary residence under section 245A of the Immigration and Nationality Act [8 USCS § 1255a]. ^{xvii}	No (with limited exceptions). ^{xviii}
Immigrants lawfully admitted pursuant to section 141 of the Compacts of Free Association with the Marshall Islands, the Federated States of Micronesia, and Palau (COFA) (48 U.S.C. 1931 note). ^{xix}	Potentially (if a COFA noncitizen leaves the country they can be subject to a public charge determination upon re-entry, or if they adjust their status through a pathway subject to the public charge test, e.g. a family-based petition). ^{xx}
Violence Against Women Act (VAWA) Self-Petitioners. ^{xxi}	No. ^{xxii}
Immigrants that seek, or have received, official T-visa status as a Survivor of Trafficking. ^{xxiii}	No. ^{xxiv}

Other Benefits/Programs Excluded from the Public Charge Test:

- WIC
- EITC
- LIHEAP
- Public benefits received while in a status that is exempt from the public charge ground of admissibility or received a waiver of the public charge inadmissibility ground
- Public benefits received by children being adopted internationally by U.S. citizen parents

More Benefits/Programs Excluded from the Public Charge Test:

- State and Local Public Health Programs
- AIDS Drug Assistance Program (*ADAP*);
- Public benefits received by immigrant who at time of receipt is enlisted in U.S. Armed Forces serving in active duty or in the Ready Reserve (or is a spouse or child of such service member).
- School lunch programs including National School Lunch Act (NSLP) [at 41389]
- Medicare Part D Low-income Subsidies– Extra Help
 - At 41386: “DHS also notes that it has not designated any other aspect of Medicare for consideration in the public charge inadmissibility determination. however, any receive [sic] of Medicaid as a subsidy for Medicare would be considered receipt of a public benefit in the public charge inadmissibility determination”

Even More Benefits/Programs Excluded from the Public Charge Test:

- Social Security retirement benefits
- Head Start
- Healthy Start
- Pell grants and student aid programs
- Disaster relief programs
- ACA subsidies or health insurance received through the health insurance marketplace

Impact of Applicant's Family Members Receiving Benefits?

- Benefits received or likely to be received by the applicant's spouse, children, or other family members are **not** considered in determining whether the applicant is likely to become a public charge.
 - But the fact that the household qualifies for a designated public benefit program *may* indicate that the applicant has a low income.
- Receipt of benefits by the sponsor on an affidavit of support will **not** be counted against the applicant.

Totality of the Circumstances Test in the **BLOCKED** New Rule

Factors in the TOC Test

Age

Family Status

Education & Skills

Health

Financial Status/Asset and Resources



Sponsor's Affidavit of Support
No longer given great weight
by immigration Officials; it is just one
Of many factors

BLOCKED Final Public Charge Rule: Totality of the Circumstances Test

- **Age:** consider whether the applicant's age will impact ability to work; Under 18 or over 61 (negative)

BLOCKED Final Public Charge Rule: Totality of the Circumstances Test

- **Family Status:**

- An applicant's household size, including immediate family members as well as anyone else to whom the applicant provides at least half of their support, or who provides the applicant with half of their support.
- Larger households are disfavored unless ample proof of financial support.

BLOCKED Final Public Charge Rule: Totality of the Circumstances Test

Education and Skills:

- Whether the applicant has adequate education and skills to obtain or maintain employment with an income sufficient to avoid becoming a public charge. It considers whether the person has:
 - A history of employment (e.g. 3 years of tax returns)
 - A high school degree or higher education, occupational skills, certificates or licenses
 - Proficiency in English or in other languages in addition to English
 - A role as the primary caretaker of someone in the household who is a child, senior, or a person who is ill or who has disabilities.

BLOCKED Final Public Charge Rule: TOC Test Continued

Health

- Whether the non-citizen has health conditions that could require extensive treatment in the future, or that could affect a person's ability to work, attend school, or care for oneself.
 - If the non-citizen has such a condition and does not have access to private health insurance or other resources to pay for treatment, it will be weighed as heavily negative.
- Heavy positive weight is given to persons who have private *unsubsidized* health insurance, which the rule defines as not including ACA plans supported by Advanced Premium Tax Credits.
- “Disability” is considered here “to the extent such disability makes the alien more likely than not to become a public charge”

BLOCKED Final Public Charge Rule: TOC Test Continued

- **Income and Financial Status**

- Household income: under 125% FPL (negative);
- Household assets;
- Credit history/score: applicants who do not have a credit report or score must submit a statement from one of the three agencies verifying that they do not have one;
- ***Use of or applications for public benefits;***
- Fee waivers received on or after the effective date of the new rule and for immigration programs that are subject to the public charge ground of inadmissibility.

NOTE: Applicants who are on active duty, other than training, in the U.S. Armed Forces need only to evidence 100% FPL.

BLOCKED New I-944 form: Declaration of Self-Sufficiency

- DHS will require any “adjustment applicants subject to the public charge ground of inadmissibility” to submit a Form I-944 with their application to demonstrate that they are not likely to become a public charge
- “USCIS would assume that any Medicaid identified on the Form I-944 is Federal Medicaid”

Current Policy if Interview for Status is Outside the United States

The Foreign Affairs Manual (FAM)

Officials in U.S. consulates abroad use the Department of State's **Foreign Affairs Manual (FAM)** to make decisions about whether to grant permission to enter the U.S.

- Affects people applying to enter from outside of the U.S. on non-immigrant visas (e.g. as students, tourists or temporary workers) or as lawful permanent residents
- It also affects green card applicants who are required to leave the U.S. to go through consular processing.

State Department Public Charge Timeline



Changes to the Foreign Affairs Manual (FAM)

DOS publishes Interim Final Rule (IFR) on public charge mirroring DHS rule - with 30 day comment period (closed Nov. 12)
Originally to take effect Oct.

DHS rule blocked nationwide by federal courts

DOS postpones Implementation of IFR until OMB approves the DS 5540 (comments due Dec 23, 2019)

January 2018 FAM policy is in Effect

15

What are we talking about when we say “If Interview for Status is Outside the U.S.”?

Applying for a Visa from outside the U.S.

- Example: Grandma is a Vietnamese citizen and applies for a visa to come to the U.S. to stay with her son, daughter-in-law and two grandchildren



- In January 2018, the Dept. of State’s (DOS) made changes to the Foreign Affairs Manual; on October 11, 2019, DOS issued an interim final rule that aligns its definition of public charge to that contained in the Department of Homeland Security (DHS) final rule. The comment period was open through November 12, 2019.
- These proposed changes impact the public charge test for Grandma

More information can be found at:

<https://www.nilc.org/wp-content/uploads/2018/02/PIF-FAM-Summary-2018.pdf>

Current Public Charge Test Outside the United States

Foreign Affairs Manual January 2018 version currently applies.

Details available in [this explainer](#) on PIF's website.

Key Changes:

- **Definition of Public Charge has NOT changed**
- **Affidavit of support no longer sufficient to overcome a public charge issue**
 - Must look at applicant's age, health, financial resources, skills, etc
- **"Totality of Circumstances" Test May Consider:**
 - Use of non-cash benefits
 - Benefits used by sponsors or family members

Current Public Charge Test Outside the United States

Impact of 2018 Changes:

Public charge denials increased from **1,033** in FY 2016 to **12,170** (from Oct 2018- July 2019), with:

- Exponential increase from certain countries (7 → 5,334 denials from Mexico)
- More scrutiny of affidavits of support
- More questions about employment/income, family members with disabilities

Keep in Mind:

- Forms have NOT changed
- Consular officers still have discretion when making these decisions
- If implemented, the Interim Final Rule from DOS will replace the Jan 2018 FAM policy

Recap: Current Public Charge Test Inside & Outside the U.S.:

Public Charge Inadmissibility Policy: November 19, 2019		
Applications Processed	<u>Inside</u> the US	<u>Outside</u> the US (including Consular Processing)
Policy Now In Effect	1999 Field Guidance	2018 Foreign Affairs Manual
Totality of Circumstances Test	Several factors considered: age, health, income, family size, education and skills, and the affidavit of support. No single factor will determine whether someone is likely to become a public charge in the future.	More scrutiny of individuals' age, health, income, family size, education and skills, and the affidavit of support.
Benefits Considered	Only monthly cash assistance and long-term care	A potentially broader range of benefits
Can Consider Family Members Use of Benefits	No	Yes, potentially

Impact

Impact: Building An Invisible Wall for Low-Income Immigrants



- Directly affected individuals (DHS + DOS)
 - Certain working class non-citizens who are applying for admission to the country or adjustment to LPR status
 - Certain non-immigrant visa holders who seek an extension of their visa or another non-immigrant status
- Broader population of people subject to “chilling effect”
 - Fear extends to people who are not subject to public charge
 - Fear extends to benefits not considered in public charge test
 - Fear and uncertainty may prevent immigrants from using the programs their tax dollars help support, preventing access to health care, nutritious food and secure housing

Impact on Housing and Homelessness

- Increased rates of homelessness and unstable housing
- Diminished access to health coverage and SNAP (which are work supports) will make it more difficult to pay rent or remain in private housing
- Burden on various types of housing providers (homeless service providers, housing counseling agencies, Affordable Housing Developers and Public Housing Authorities, Orgs that work with people with disabilities, domestic violence survivors, etc.)

Illinois Dept. of Human Services (IDHS)

- Illinois' medical assistance program provides medical coverage to over 3 million Illinoisans, including citizens and lawfully present non-citizens
- Based on projected disenrollment rates, **between 58,443 and 136,344 eligible Illinoisans** could disenroll from medical coverage. Three out of four of those individuals are U.S. citizens.
- Illinois' food assistance program is administered by the IDHS. In fiscal year 2018, over 916,000 households received SNAP benefits.
- Based on projected disenrollment rates, **between 33,339 to 77,791** eligible Illinoisans could dis-enroll from SNAP. Three out of four of those individuals are U.S. citizens.

Messages for Community

Does Public Charge Inadmissibility Apply to Me?



Are you and your family members U.S. citizens?



Do you and your family members already have green cards?*



Are you applying for or have one of these statuses? *TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?*



GREEN LIGHT!

You should continue to enroll in programs you are eligible for.

*If you are a green card holder and plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.

Does Public Charge Inadmissibility Apply to Me?



Does your family plan to apply for a green card or visa from inside the United States? For those applying inside the United States, only the use of cash assistance and long term care programs will be considered in your public charge test.



GREEN LIGHT

You should continue to enroll in programs you are eligible for.

As of 12/10/19



Does your family plan to apply for a green card or visa from outside the United States? If you or a family member will have a visa or green card application processed abroad, new rules may apply to you.



YELLOW LIGHT

You should talk with an expert for advice before making any decisions.

For free or low-cost options in your area, go to: <https://www.immigrationadvocates.org/nonprofit/legaldirectory>

How to respond to questions



I'm scared to sign up for WIC, I know that WIC is a public benefit.

You're right - WIC is a public benefit. BUT it is not included in the public charge test. We encourage you to sign up for programs you are eligible for.

My brother is applying for citizenship but uses Section 8 housing vouchers. Is he a public charge?

The public charge test does not come up when people apply for U.S. citizenship. Section 8 housing vouchers are not considered in the public charge test that is currently in effect; it is included in the public charge test that is currently blocked by the courts. But since your brother is applying for citizenship - public charge does not apply anyways.

October 4 Executive Proclamation

What did the 10-4-19 executive proclamation do?

- Applies to people seeking immigrant visas abroad
- To obtain an immigration visa, individuals must prove:
 - they will be covered by “approved health insurance,” within 30 days of entering the United States, unless they are affluent enough to cover their “reasonably foreseeable medical costs.”
- No clear procedures for individual consular officers to determine whether immigrants meet the proclamation’s requirements.
- The new policy is vague about how would-be immigrants would even be able to prove they meet the new requirement.

Which forms of health insurance are “approved” under the proclamation?

- **“Approved” health insurance under the proclamation includes:**
- Employer-sponsored health plans
- Unsubsidized plans purchased on the individual market
- Non–Affordable Care Act (ACA)–compliant short-term health plans authorized by the Trump administration
- Catastrophic plans
- Family members’ plans
- TRICARE plans or other coverage for military members and veterans
- Medicare plans
- Medicaid is acceptable for children age 18 and younger, but subsidized ACA plans are not acceptable for either adults or children.

Certain categories of immigrants are exempt from the proclamation's requirements, including:

- Anyone issued a visa prior to the effective date (Nov. 3, 2019)
- LPRs returning after a long absence
- Unmarried children and adoptees of U.S. citizens
- People seeking Iraq/Afghani Special Immigrant visas
- Children under age 18, unless accompanying parents subject to the proclamation
- Parents of adult U.S. citizens, if they can demonstrate to the satisfaction of the consular officer that their health care will not impose a substantial burden on the U.S. health care system
- People whose entry would advance law enforcement objectives or would be in the national interest
- The proclamation further states that it should not be construed to affect any individual's eligibility for asylum, refugee status, withholding of removal, or protection under the Convention Against Torture.

Effect of the Proclamation

- The Migration Policy Institute estimates the change could end up excluding about two-thirds of future immigrants.
- According to the Migration Policy Institute, 31% of green card holders have health care benefits that don't count as insurance under the proclamation, including Medicaid or insurance purchased with subsidies on an Affordable Care Act exchange.
- Immigrants with job offers will have an easier time, as they will likely have health insurance through their employer.
- Proclamation will push immigrants to buy short-term or visitor insurance policies, which generally don't cover pre-existing conditions, and often have caps or limits on benefits

Timeline for 10/4 proclamation

- Issued on October 4;
- Published Effective date: November 3, 2019...however.....
- Lawsuit filed on 10/30 challenging this Proclamation
- A federal judge in Oregon issued a nationwide temporary restraining order preventing the proclamation from going into effect. **As of 12-5-19 this proclamation is currently blocked from going into effect.**

Fee Hike Rule

Fee Hike Rule

Link to comment: <https://www.federalregister.gov/documents/2019/12/09/2019-26521/us-citizenship-and-immigration-services-fee-schedule-and-changes-to-certain-other-immigration>

- The proposed rule was published in the Federal Register [REDACTED]
- The notice indicates the comment period will end on **December 30**. However, more than 150 orgs signed a letter urging a standard 60-day comment period.
- Here are some of the changes under the rule:
 - Drastically increases the cost of applying for immigration benefits (including citizenship and LPR applications, DACA renewals);
 - Adds new fee on applications for asylum.
 - Eliminates fee waivers for citizenship, permanent residency, employment authorization, and other applications for many applicants
- Fee hike rule is separate from the removal of means-tested benefits as a basis for requesting a fee waiver.

Resources

Protecting Immigrant Families-Illinois (PIF-IL)

pifillinois@povertylaw.org

Convened By: ICIRR, Latino Policy Forum,
Legal Council for Health Justice, Shriver
Center on Poverty Law

Steering Committee Members:

- AIDS Foundation of Chicago
- Asian Human Services
- Elevate Energy
- Erie Family Health Center
- Greater Chicago Food Depository
- Health & Medicine Policy Research Group
- Healthy Illinois Campaign
- Housing Action Illinois
- Illinois Coalition for Immigrant and Refugee Rights (ICIRR)
- Illinois Chapter of the American Academy of Pediatrics
- Legal Aid Society of Metropolitan Family Services
- Legal Council for Health Justice
- National Immigrant Justice Center
- Shriver Center on Poverty Law
- The DuPage Federation
- The Latino Policy Forum
- The Ounce of Prevention Fund
- YMCA of Champaign

For economic and racial justice



HelpHub Can Help!

HelpHub will directly link you to experts on **health care (Medicaid, Marketplace), public benefits, tax implications of Obamacare, immigrant eligibility, public charge, legal aid issues and more** so that you can help your clients/community members.

HelpHub is a way to highlight problems and issues you are seeing in your community with regard to health care access, including public charge. Also, it serves as a feedback loop to state and federal government.

HelpHub connects you to others working on similar issues across the state. You can also post events and resources to share.

How Do I Sign Up for HelpHub?

<http://helphub.povertylaw.org>

HelpHub

Sign in

Email
stephanibecker@povertylaw.org

Password
.....

Remember me

[Forgot your password?](#)

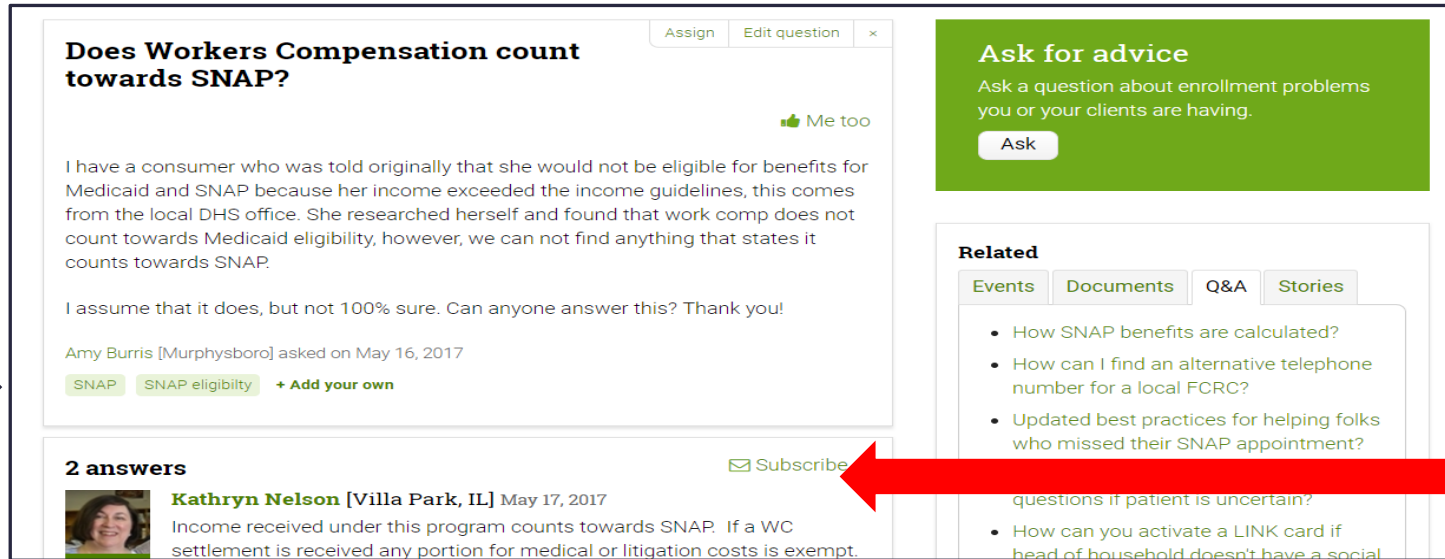
HelpHub is an online community where enrollment and outreach specialists in Illinois can share their experiences helping consumers enroll into new health care options under the Affordable Care Act (also known as Obamacare).

Please complete this short form to sign up for HelpHub.

Click Here!

How To Ask a Question on HelpHub

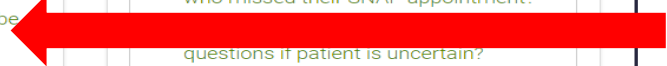
2. Select tags



The screenshot shows a HelpHub question titled "Does Workers Compensation count towards SNAP?". The question text is: "I have a consumer who was told originally that she would not be eligible for benefits for Medicaid and SNAP because her income exceeded the income guidelines, this comes from the local DHS office. She researched herself and found that work comp does not count towards Medicaid eligibility, however, we can not find anything that states it counts towards SNAP. I assume that it does, but not 100% sure. Can anyone answer this? Thank you!". The question was asked by Amy Burris [Murphysboro] on May 16, 2017. It has two tags: "SNAP" and "SNAP eligibilty". There are 2 answers, with the first one by Kathryn Nelson [Villa Park, IL] on May 17, 2017, stating: "Income received under this program counts towards SNAP. If a WC settlement is received any portion for medical or litigation costs is exempt." The page also features a green "Ask for advice" button, a "Related" section with tabs for Events, Documents, Q&A, and Stories, and a "Subscribe" button.



1. Click "Ask" to type your question



3. An expert or other assister will answer

How does the rule affect the use of housing and homeless assistance programs?

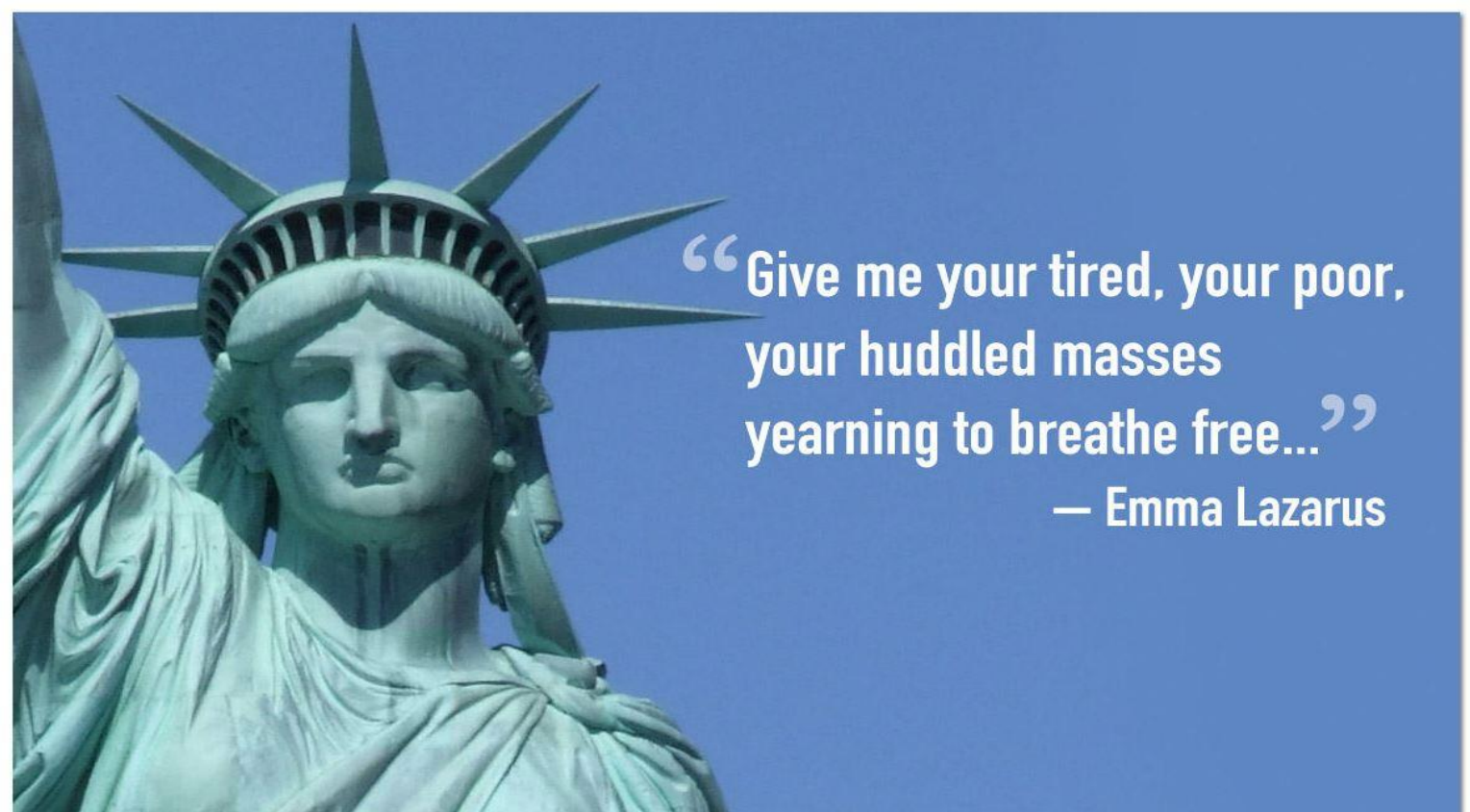
- Need More information?
 - National Housing Law Project, Technical Fact Sheet for Housing and Homelessness Advocates:
https://www.nhlp.org/wp-content/uploads/2019.09.16_NHLP-Public-Charge-Technical-Fact-Sheet_Final.pdf

Resources

- ICIRR has fact sheets and other resources on its website: www.icirr.org/publiccharge
- The Immigrant Family Resource Program works with immigrant families on public benefit applications. IFRP partners are continuously trained on issues such as public charge: www.icirr.org/ifrp
- Have questions or need more information or want to join PIF-IL? Please email pifillinois@povertylaw.org or publiccharge@icirr.org
- [Let's Talk About Public Charge](#)
- [Getting the Care You Need](#)
- [You Have Rights: Protect Your Health](#) ([Spanish](#)) ([French](#)) ([Chinese](#)) ([Arabic](#))

More Resources

- Fact sheet with information about the rule and who is affected by it:
 - English:
<http://www.dhs.state.il.us/OneNetLibrary/27894/documents/English.pdf>
 - Spanish:
<http://www.dhs.state.il.us/OneNetLibrary/27894/documents/Spanish.pdf>
- Contact information for a variety of organizations in the community who can help individuals understand what the public charge rule means for them and their families:
 - <http://www.dhs.state.il.us/page.aspx?item=118709>.



“Give me your tired, your poor,
your huddled masses
yearning to breathe free...”

— Emma Lazarus

pifillinois@povertylaw.org

Thank you!

