

How to Talk About Public Charge with Immigrants and Their Families

This issue brief summarizes topline Protecting Immigrant Families Campaign messages and talking points recommended when communicating with immigrant communities.

Please use the core message, along with any or all the topline messages. The messages are followed by a more extensive set of talking points aligned with the topline messages.

Partners should also feel free to tailor any of the messages — including the specific wording of the core message — to suit their organization’s communications and community engagement strategy. For example, the talking points mention increased poverty and hunger as being among the probable consequences of the Trump administration’s proposed changes to public charge policy, but if your organization works on health issues, we encourage you to add “unmet health needs” or your organization’s preferred language concerning the problem.

This longer issue brief, which discusses public charge, is also available as a resource: www.nilc.org/exec-orders-and-access-to-public-programs/.

Topline messages

Core message

- You are not alone, and there’s still time to fight back.

Other topline messages

- The policy on public charge decisions made within the U.S. has not yet changed.
- The proposed rule is still a draft. Once it is posted, the federal agency must accept and respond to comments on it. It will not be implemented until after it becomes final, which will take additional time.
- Not all immigrants are subject to the public charge test.
- The test looks at all the person’s circumstances, weighing positive factors against any negative ones.
- If the proposed rule becomes final, noncash benefits (other than long-term care) used before that time will not be considered. Using benefits now can help you or your family members become healthier, stronger, and more employable in the future.
- Federal and state laws protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits.
- Get help deciding what’s best for your family and, if you can, consult with an immigration attorney or a Board of Immigration Appeals–accredited representative about your own situation.

Talking points

You are not alone. The Trump administration's draft public charge rule would force immigrant families to choose between the things they need and the people they love. The resulting spikes in poverty, hunger, and other social problems would affect millions, making this a threat to the whole country.

There's still time to fight back. People all over the country are standing up to Trump and fighting back against this abusive proposal to change the public charge policy. Leading voices for health, nutrition, economic opportunity, and social justice are united in opposing the proposed changes to public charge policy. They are sounding the alarm in news media, engaging policymakers, and rallying communities like yours to fight this abusive policy. Join us in sharing your story, submitting comments once the draft public charge rule is published, and letting your legislators know that you care about this issue!

The rules on public charge decisions made within the U.S. have not yet changed. While U.S. consulates abroad have started applying public charge tests more broadly, these changes apply only to individuals who are seeking to enter the U.S. from abroad or who must go abroad to process their applications. For green card applications processed by U.S. Citizenship and Immigration Services (USCIS) in the U.S., public charge rules have not changed.

The rule is still in draft form. It cannot be implemented until it becomes final, which will take additional time. The Trump administration has not actually proposed the rule yet. We have seen only incomplete drafts. If the administration publishes the rule, the law gives all of us a chance to speak out in opposition before the government finalizes the rule. Once comments about the rule are submitted, the review process can take months. In fact, some proposed rules are never finalized. If the rule is finalized, it may not take effect until several weeks or months after the final version is published.

Some immigrants are exempted by law from the public charge test. Exempt immigrants include: refugees; asylees; survivors of trafficking, domestic violence, or other serious crimes (T or U visa applicants/holders); VAWA self-petitioners; special immigrant juveniles; certain people paroled into the U.S.; and green card-holders applying for U.S. citizenship. Even if the draft regulation is finalized, these groups will not be subject to the public charge test.

The public charge test weighs positive factors against any negative ones. Immigration officials must look at all your circumstances in determining whether you are likely to become a public charge in the future. This includes your age, health, income, assets, resources, education/skills, family you must support, and family who will support you. They may also consider whether a sponsor has signed an affidavit of support (or contract) promising to support you. Positive factors can be weighed against any negative factors.

If the rule is finalized, you will have time to act before the rule goes into effect. Based on leaked draft proposals, benefits previously excluded from the public charge determination (such as Medicaid and SNAP, the Supplemental Nutrition Assistance Program)

will be considered only if those benefits are received 60 days after the final rule is published. Using benefits now can help you or your family members become healthier, stronger, and more employable in the future. Families need to make individual determinations based on their unique circumstances.

Federal and state laws protect the privacy of people who apply for or receive health care coverage or nutrition assistance, economic support, or help from other public programs. Applications for public programs should not request information about the immigration status of nonapplicants in the household. Benefit agencies may share information with other government agencies only for purposes of administering their programs, with limited exceptions. You can provide only the information necessary and should not misrepresent anything when completing public benefit applications or dealing with any government agency.

Get help deciding what's best for your family and, if you can, consult with an immigration attorney or BIA-accredited representative about your own situation. Advocates and health and social service providers all over the country have been monitoring the public charge rule. Many local leaders can help concerned families find free or low-cost immigration help. You can use this online directory to search for local nonprofit organizations that provide legal help and advice: <https://www.immigrationlawhelp.org/>.