Protecting Immigrant Families
Advancing Our Future Campaign
SCOTUS Decision on Preliminary Injunction
Rapid Response Call
January 28th, 2020
Presented by:

CLASP
Policy Solutions That Work For Low-Income People

National Immigration Law Center
DHS Public Charge Rule Litigation Update

• 5-4 ruling
• Granted government’s stay request re: 2nd Circuit’s nationwide injunction
  • However, the State of Illinois’s preliminary injunction still stands
• No focus on merits of underlying suit
  • Concurrence by Justices Gorsuch and Thomas questioned propriety of nationwide injunctions generally
Litigation update
What’s next?

Effective Date:

• Technically went into effect as of yesterday
  • 
    • \textit{BUT we are awaiting an announcement from the government on whether they will defer implementation until a date certain.}
  • We believe that any application for adjustment of status (green card) filed before the decision should be subject to the previous public charge rules, not the new Rule.
  • Likewise, under the district court's order, we believe that use of non-cash benefits newly considered under the Rule – SNAP, federal Medicaid, federal housing assistance – prior to today, should not count against applicants.
Topline Messaging
• The Supreme Court’s ruling allows the public charge regulation to take effect.
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• Fear is Trump’s real weapon, and facts are families’ best defense.
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• The Supreme Court’s ruling allows the public charge regulation to take effect.
• Fear is Trump’s real weapon, and facts are families’ best defense.
• The fight to protect the right of all families to thrive isn’t over.
Community-Facing Messaging

- Many immigrants will not be affected.
- Use of public benefits will not automatically make you a public charge.
- Many programs are not included in the public charge test.
- Benefits used by family members will not count in public charge decisions made in the U.S.

**KNOW YOUR RIGHTS! TAKE ACTION!**

- Get the facts, Make a plan.
- Empower ourselves - information is power!
**PUBLIC CHARGE: DOES THIS APPLY TO ME?**

Updated January 2020

Are you and your family members U.S. Citizens? Public charge does not apply to you. You should continue to enroll in programs you are eligible for.

Do you and your family members already have green cards? Public charge and any changes under new rules will NOT affect you when you renew your green card or apply to become a U.S. Citizen. However, if you plan to leave the country for more than 6 months, it’s a good idea to talk with an immigration attorney.

Are you applying for or have one of the following statuses?

- TPS
- U Visa
- Asylum or Refugee status, or Special Immigrant Juvenile Status
- The public charge test does NOT apply to all immigrants, including the categories listed here. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use government programs that you qualify for.

Does your family plan to apply for a green card or visa from inside the United States? The public charge test may apply to you. For those with adjustment interviews in the U.S., only the use of the public programs listed on first page will be considered in the public charge test. Your income, age, health, education, skills, family situation, and sponsor’s affidavit of support will also be considered.

Does your family plan to apply for a green card or visa from outside the United States? U.S. consular officers abroad use different rules in making this decision. You should talk with an expert for advice on your case before making any decisions. For free or low-cost options in your area, go to [https://www.immigrantadvocate.org/gethelp/guidance/](https://www.immigrantadvocate.org/gethelp/guidance/)

For more resources go to [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)

**KNOW YOUR RIGHTS!**

Public Charge Messages for Community Members

Updated January 2020

Fight fear with facts. You have rights in this country no matter where you were born. We encourage you to learn more about your situation before making decisions that may harm you or your family. Get the facts, make a plan, and share this information with others.

Most immigrants will not be affected

This DHS regulation does not affect all immigrants, refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, and other “humanitarian” immigrants are not affected. Legal permanent residents (or “green card”) are not affected unless they leave the U.S. for over 180 days and seek to reenter. Benefits received when people are in one of these statuses will not be counted against them.

Many public programs are not considered in the public charge test.

Life-saving food and nutrition programs like WIC, CHIP, school lunches, food banks, shelters, child care assistance, state and locally funded health care, and many more programs are not included in DHS’s public charge test.

Use of public programs does not automatically make you a public charge.

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. Positive factors, like having a job or health insurance, can be weighed against negative factors, like having used certain benefits or having a health condition. Either way, you will have a chance to show why you are not likely to rely on certain benefits in the future.

SHOULD I KEEP MY KIDS ENROLLED IN HEALTH AND NUTRITION PROGRAMS? Updated January 2020

Programs like Medicaid, CHIP, Marketplace Coverage (“Obamacare”), School Breakfast & Lunch, WIC and SNAP (“food stamps”) help your children lead healthier and stronger lives. You may have questions about whether your child’s use of these health and nutrition programs will affect your immigration status or your application for a green card. This document provides answers to frequently asked questions to help you make good decisions for your family.

If I will have green card interview in the U.S., if my child receives health or nutrition assistance, will that make it more difficult for me to get a green card? No. Health and nutiration benefits your child or another will not count against you in your green card application. * We recommend you continue to enroll your children in benefits programs that they are eligible for. Benefits that you get for your children as other family members are different from benefits that you may receive yourself. Including your name on your child’s application does NOT mean that you have applied for benefits for yourself.

If I apply for benefits for my child, will I have to give information about me? Yes, some. The application requires income information for every person in your family, even if they are not applying for benefits themselves. However, you will not have to provide a formal statement of your own immigration status or your immigration status if you are only applying for benefits for your children. You can leave these sections blank.

Will I/We need to report the government for benefits I/We receive? Most likely. If you or a family member has a valid green card or is currently enrolled in a Medicaid or CHIP program you have to report it if your income increases. If you or a family member has a valid green card program that is reported to you, you may have to report it or if you believe that you have received more benefits than you are entitled to. If you are not sure what to do, you should talk with an expert.

If you have any questions or concerns about how to protect your family, you can talk to an experienced immigration attorney at the following website: [www.immigrantadvocate.org/gethelp/guidance](http://www.immigrantadvocate.org/gethelp/guidance)

For more resources go to [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)

**UPDATED* Resources**

Protectingimmigrantfamilies.org
What You Can Do Now

● Stay informed!
  - Sign up for the PIF Campaign Listserv at http://bit.ly/PIFCampaign
  - Public Charge 101 Webinar Thursday at 3pm ET/ 12pm PT. Register here.

● Share accurate, up to date information with your networks & community. Resources here: www.protectingimmigrantfamilies.org/know-your-rights

● Fight back against related regulatory threats with open comment periods.
  - Fee Hike Proposed Rule
  - Sponsor Information Collection

● Help us document the harm. DHS Rule Impact Form
Questions?