

State Benefits Agencies Public Charge Response Toolkit

APRIL 2020

The U.S. Department of Homeland Security's (DHS's) (and U.S. Department of State's) [Inadmissibility on Public Charge Grounds final regulations](#) went into effect on February 24, 2020. This rule will apply to applications for lawful permanent resident (also known as "green card") status submitted on or after that date and will consider newly assessable benefits received on or after February 24, 2020. State benefits agencies will be tasked with providing accurate and clear information to benefits-receiving individuals and/or their family members.

Some of these individuals will be subject to the public charge assessment and will request documentation from the state benefits agency to assist in the completion of the green card application. Additionally, research shows that the final rule has led to decreased enrollment in public programs among immigrant families beyond those directly subjected to the rule, due to fear and confusion about the rule changes. This toolkit is intended to address the needs of both populations by providing state benefits agencies with key action items they can take to help their staff navigate the implementation of the public charge rule and respond to concerns and documentation requests presented by immigrant families.

We recommend that state benefits agencies take the *immediate action steps* below to mitigate the harm of the final public charge rule. A more comprehensive checklist for an agency-wide response is available in [this sample state agency response plan](#). For excellent examples of responses from states across the country, see this (regularly updated) [review of public statements and materials](#).

The Protecting Immigrant Families, Advancing Our Future (PIF) Campaign is a collaboration between the Center for Law and Social Policy (CLASP), National Immigration Law Center (NILC), and advocates across the country working to fight back. For more information about the campaign, visit [ProtectingImmigrantFamilies.org](#).

Immediate Actions Steps

1. Update existing resources and make new resources available for families/customers

Given how confusing the new public charge rule is, caseworkers and families can benefit from materials that help explain what the rule does and how it may impact them. Make sure the materials are translated into the languages spoken in the community your agency serves. Also, state agencies should update any existing informational program materials and beneficiary notices to include public charge information. The PIF Campaign has developed a series of materials, and some of these link to materials that partners have developed. Examples you may wish to draw on include:

- [Sample editable letter](#) to community members from the state benefits agency. Here is [sample letter in Spanish](#) from a PIF state-based coalition.

- **Know-your rights** information, including:
 - [Key community messages](#) and critical information about public charge.
 - Samples of [community-facing materials in multiple languages](#) that can be customized, as well as model resources from all over the country.
- **Sample webpages:** [Wisconsin](#), [California](#), and [Massachusetts](#).
- **Sample flyers:** [New Mexico](#), [Minnesota](#), and [Washington](#) (NOTE: Sample flyers may contain an incorrect effective date for the public charge regulations).
- **Sample state-based agency FAQ on public charge:** [Washington](#) and [Minnesota](#).
 - “[Should I Keep My Kids Enrolled in Health and Nutrition Programs?](#)” – for families who may have questions about whether their child’s use of certain health and nutrition programs will affect a family member’s immigration status or application for a green card. It can be modified for your state.
- **COVID resources:**
 - **Sample immigrant community–facing COVID-19:** [ICIRR in Illinois](#), [California](#), [Ohio](#), [Colorado](#), and sample multilingual resources from [Springboard](#) and [King County, Washington](#).
 - **Sample PIF-IL enrollment assister tool:** Helps answer questions community members may have about possible public charge consequences due to accessing specific public benefits and programs during the COVID-19 crisis.
 - **Quick guide on immigrant eligibility for public programs** during COVID-19 (PIF)

If you wish to adapt the materials to insert your logo or modify the text to include additional information, see these [editable templates](#). For more languages, contact Alicia Wilson at akwilson3000@gmail.com.

2. Train staff on the public charge final rule

State benefits agencies should provide professional development opportunities for agency staff to be trained on the final public charge rule. This may include agency guidance informing caseworkers that their role is not to provide legal advice nor to make specific recommendations or assessments, since they do not know the full circumstances of a family’s situation. However, caseworkers can provide facts about the public charge rule.

Below are materials and resources to educate caseworkers about who is subject to the public charge assessment and how public charge considerations apply to the following list of benefits included in the final public charge assessment. NOTE: Cash assistance for income maintenance (such as TANF) and government-funded long-term institutional care continue to be included in the public charge assessment.

Benefits assessed in the public charge assessment:

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid (with exceptions for emergency services, children under 21 years of age, pregnant women and 60 days after the pregnancy ends)
- Public Housing or Section 8.

Sample materials and resources:

- [Privacy Protections in Selected Federal Benefits Programs](#) (NILC)
- [Public Charge and Health Coverage Programs](#) (Center for Budget and Policy Priorities)
- FAQs:
 - [FAQs on SNAP and public charge](#) (Food Research Action Center)
 - [Public Charge Analysis and FAQs](#) (PIF)
 - FAQs on the public charge regulations in [English](#) and [Spanish](#) (Immigrant Legal Resource Center)
- [Public Charge Dictionary](#) (PIF) – Includes the basics of immigrant eligibility for public programs and public charge policy, including the most commonly used terms that you need to know to be a more empowered advocate to help immigrants.
- [Editable table](#) for states to delineate state-only–funded versus federally-funded benefits programs.
- State benefits agencies are invited to take advantage of available trainings and training materials to help caseworkers discuss public charge with clients. For instance, PIF hosts “[Public Charge 101](#)” trainings.
 - [Shriver Center Public Charge 101 training](#)

PIF can connect you with state-based advocates who may be able to provide trainings. Please contact Alicia Wilson at akwilson3000@gmail.com for more information or to be connected with a local state advocate training on the final public charge rule.

3. Have a resource and referral list ready

Be ready to connect families to immigration legal service providers and community-based organizations that serve immigrant families if they ask for referrals. Referral models will vary depending on your location.

- [Example of a state-based resource on health coverage and public charge and referral list](#) for immigration legal services providers.
- In California, a [tool developed by benefits experts and immigration lawyers](#) allows immigrants to text questions about the public charge rule to qualified professionals.
- New York set up a [call center](#) where trained public charge attorneys can assist families free of charge.
- Other states provide information to connect to the [National Immigration Legal Services Directory](#) of organizations that provide free or low-cost options in their area.
 - Here are examples of resource directories from [California](#), [Oregon](#), and [Washington](#).

4. Be prepared to assist by providing information and documentation related to completion of the new I-944 or DS-5540 form

The final public charge rule requires immigrants subject to the public charge assessment to disclose information about their current and past use of certain public benefits when they apply for a visa or green card. This information is submitted on the I-944 “Self-Sufficiency” form and must include evidence such as a letter, notice, certification, or other document from the benefit-granting agency. The U.S. State Department’s equivalent form, the DS-5540 Public Charge Questionnaire, is for

people applying for visas and lawful permanent resident (green card) status processed at U.S. embassies and consular offices outside the U.S. Both the I-944 and the DS-5540 are new information-collection requirements that will, in turn, require additional work and the development of new processes by state benefit-granting agencies and their staff.

State benefits agencies may have already begun to receive requests for information and documentation required by the new public charge regulations. The letter linked to below highlights the information that will be needed and best practices for responding to requests for information. The provision of this information will require significant agency resources, and the information linked to below may help reduce the administrative burden as the agency's response plan is developed. Failure to provide documentation, or any errors in the information provided, could have serious and irremediable consequences for people applying to immigrate or adjust their immigration status.

- [This letter](#) highlights the information that will be needed and best practices for responding to requests for information.
- [Benefits usage form](#) (may be linked to in state agency response document).
- [Education/workforce program form](#) (may be linked in state agency response document).