

Public Charge Rule Talking Points

These talking points can be used with media, consumers, or the general public. They help the Coalition communicate a consistent message. Our role is to listen, relay the factual information we know to be true, and to help consumers understand their options. It is not our role to speculate, comment on politics or get pulled into emotional arguments.

Talking Points

- The Trump administration recently proposed a rule that redefines the term “public charge.” This action would make it harder for legal immigrants to become U.S. citizens or get green cards if they use a range of common public welfare programs.
 - Under the current definition, the U.S. government considers an immigrant to be a “public charge” if they rely or are expected to depend on the government for more than half of their income. It also considers whether the immigrant uses welfare or long-term care benefits, such as accessing a nursing home through Medicaid.
 - If the government determines someone to be a “public charge,” they can deny the immigrant’s admission to the U.S. or refuse an application for lawful permanent residency.
 - The proposed rule would expand the definition of “public charge” to include more public benefits.

- If put into effect, the proposed rule could have an impact on immigrants who receive public benefits, including health care benefits. At this time, the proposed rule does not include those receiving advance premium tax credits (APTCs) to help pay for health insurance through the Marketplace, or the Women, Infants and Children (WIC) Program.
 - Immigrants who have health insurance through Medicaid and/or receive financial help for Medicare Part D may be impacted.
 - Receipt of Medicaid or financial help for Medicare Part D does not automatically mean the person will be found to be a public charge and denied a visa or green card. It is just one factor that would be considered.
 - Medicaid enrollment will only be considered if an individual is enrolled for more than 12 months in a 36 month period.
 - Emergency Medicaid is not included in a public charge determination.
 - Individuals who are dually enrolled in Medicaid and Medicare, and for whom Medicaid may pay part or all of the individual’s Medicare premiums, will be considered because the individual is enrolled in Medicaid.
 - The proposed rule asks for public comment about whether enrollment of Children’s Health Insurance Program (CHIP) should be included in a public charge determination.

- It's important to know the new rule is not yet finalized. The proposed rule will go through a legislative process including a 60-day comment period once it is posted on the Federal Register.
 - Immigrant consumers should not cancel enrollment in programs now. The rule changes will only apply to benefits received after the rule is finalized. If the rule is finalized, immigrants applying for admission or permanent residency will still be able to show why they are not likely to become a "public charge" in the future.
 - Some immigrant groups are not subject to "public charge" and would not be affected by this proposed rule. This includes refugees, people who have been granted political asylum, people fleeing domestic violence, and some other protected groups.
 - Public charge is also not a consideration when lawful permanent residents (current green card holders) apply to become U.S. citizens.

- The proposed rule does not apply to the upcoming open enrollment period for 2019 health coverage. If the rule is finalized and becomes effective during the 2019 plan year, some individuals may want to evaluate their ongoing enrollment, depending on the program in which they are enrolled.
 - **At this time, the rule does not include those receiving advance premium tax credits (APTCs) to help pay for health insurance through the Marketplace.**
 - Open enrollment for 2019 health coverage is November 1 through December 15, 2018.

- Take one of these steps to learn more about how Enrollment Assistants can help:
 - Talk to someone in person. Navigators and Certified Application Counselors are trained to answer questions and help consumers learn about options and enroll in Marketplace coverage.
 - Call the Marketplace toll free, 24 hours a day. Call 1-800-318-2596 (TTY 1-855-889-4325). You can have a live online chat at healthcare.gov or cuidadodesalud.gov.