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| **Appendix Table 1: Key Differences between Previous and Proposed “Public Charge” Policies** |
|  | **Policy Based on 1999 Guidance** | [**Proposed Rule**](https://www.dhs.gov/news/2018/09/22/dhs-announces-new-proposed-immigration-rule-enforce-long-standing-law-promotes-self)**Announced September 22, 2018** |
| **Definition of Public Charge** | An alien who has become or who is likely to become ‘‘primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense.’’ | Public charge means an alien who receives one or more public benefits. |
| **Public Benefits that May Be Considered for Public Charge Purposes** | * SSI
* TANF
* State/local cash assistance programs
* Public assistance for long-term care in an institution (including Medicaid)
 | * SSI
* TANF
* Federal, state, or local cash assistance programs
* SNAP
* Section 8 Housing Voucher Program
* Section 8 Rental Assistance
* Medicaid (except for emergency Medicaid, certain disability services related to education, and benefits received by foreign-born children of U.S. citizen parents who will be automatically eligible to become citizens)
* Medicare Part D Low-Income Subsidy Program
* Institutionalized long-term care at government expense
* Subsidized public housing

DHS requests public comment on whether to include CHIP as a public benefit. |
| **Consideration of Use of Public Benefits in in a Public Charge Determination** | * May take into consideration past and current receipt of cash public assistance for income maintenance or institutionalized long-term care.
* No weight should be placed on receipt of non-cash benefits or receipt of cash benefits for purposes other than income maintenance.
* Cash benefits received by children or other family members should not be attributed to the individual, unless the family member’s benefits are the family’s sole source of support.
 | * For cash benefits and benefits that can be translated to a cash value, the benefit exceeds 15% of the FPL for a household of one within a 12-month period.
* For benefits that cannot be translated into a cash value, receipt of any benefit for more than 12 months within a 36-month period
* When an individual receives both types of benefits, benefits that cannot be translated into a cash value are received for more than 9 months within a 36-month period
* Would not consider benefits received by active duty or reserve service members and their families.
* Would only consider benefits going to the individual, not those received by family members
 |
| **Heavily Weighted Negative Factors** | Not Specified | * Not a full-time student and is authorized to work, but is unable to demonstrate employment.
* Currently receiving or approved to receive one or more public benefits.
* Has received one or more public benefits within the prior 36 months.
* Has a medical condition that requires extensive treatment or institutionalization and is uninsured and does not have sufficient resources to pay for medical costs related to the condition.
* Previously found inadmissible or deportable on public charge grounds.
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| **Heavily Weighted Positive Factors** | Not Specified | * Household has financial assets/resources of at least 250% of the FPL
* Authorized to work or employed with an income of at least 250% of the FPL
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Source: <https://www.kff.org/disparities-policy/fact-sheet/proposed-changes-to-public-charge-policies-for-immigrants-implications-for-health-coverage/>