

Concerning Federal Changes to Public Charge Rules



Please Note: This rule is not retroactive, so if such benefits were received prior to the change (scheduled for Oct 15, 2019) those will not be considered.

Lane County Health & Human Services, along with our partners at The Oregon Health Authority, have been closely monitoring the pending change to the Department of Homeland Security's federal public charge rule that is now scheduled to go into effect October 15, 2019. This change will impact access to essential services like health care for some immigrant communities in Oregon, and Lane County. It is important to know what is and is not impacted by the change, and that eligibility criteria for our programs have not changed.

We are aware that some families may be concerned and faced with difficult choices. We will be working with our local health care providers and community partners in order to help inform and monitor the changing situation on this issue, and other issues impacting immigrant communities, while maintaining our focus on improving the health of all people in Lane County.

We know that health coverage contributes to healthier pregnancy, birth, and childhood outcomes, better education, and reduced emergency department visits and hospitalizations. Lane County Health & Human Services will continue to focus on improving access to health care for all people in Lane County.

Public charge is a term used in immigration law to describe an individual who is likely to become dependent on the government in the future. The new rule defines a public charge as "someone who is "more likely than not" to receive public benefits for more than 12 months within a 36-month period". Being considered a public charge can result in the denial of a green card (permanent residency) application.

Prior to this change, the only public assistance considered when determining if a person would become a public charge was cash assistance (e.g. Temporary Assistance for Needy Families and Social Security Income) and assisted long-term care at public expense.

After this change, the list of programs that may impact public charge determination will be expanded to include;

- Non-emergency Medicaid (full Oregon Health Plan),
- Supplemental Nutrition Assistance Program (food stamps or SNAP) and
- Housing assistance (such as section 8).

While these changes are significant, it is important to know that the changes do not impact the following areas, so these benefits will continue to NOT be considered in a public charge determination;

- All public benefits received by children up until age 21 (including Medicaid/CHIP)
- Medicaid and public assistance for women who are pregnant and for 60 days after a pregnancy
- Medicaid for the treatment of an emergency medical condition
- School lunch programs
- Foster care and adoption
- Student loans and mortgages
- Food pantries
- Homeless shelters
- Disaster relief
- Services or benefits funded by Medicaid but provided under the Individuals with Disabilities Education Act

Local health departments, along with the Oregon Health Authority, Oregon Department of Human Services and Oregon Housing and Community Services, are all closely monitoring this rule, and will work with community partners to support affected Oregonians.

The final rule is scheduled to be published on August 14, 2019, and to go into effect on October 15, 2019.

ADDITIONAL RESOURCES:

[USCIS Final Rule on Public Charge Information](#) page and [USCIS Public Charge Fact Sheet](#).

[Rule: Inadmissibility on Public Charge Grounds](#)

[National Academy for State Health Policy analysis](#) (addresses proposed not final rule)

[Kaiser Family Foundation analysis](#) (addresses proposed not final rule)