***What Is Public Charge?***

In brief, a person who is deemed “likely at any time to become a public charge” can be denied a green card. The new public charge rule that recently went into effect changed what benefits an immigration officer will consider, in determining if a person is likely to become a public charge, to include benefits relating to food and nutrition, healthcare (most forms of Medicaid), and housing. Prior to that, an immigration officer did not consider use of most non-cash benefits. The public charge determination happens when the individual applies for a green card (it is not ongoing).

***What Community is Affected by Public Charge Laws***?

This is a key question. Most of the individuals to which the public charge rule applies are not eligible for the above benefits. The public charge analysis is forward looking (asking who is likely to use these benefits?). There are a lot of exceptions to the public charge rule. For example, refugees and asylees, who are eligible for these benefits and apply for a green card are not subject to the public charge rule. But in practice, the public charge rule has had a “chilling effect” on benefits use because of fear and confusion about the scope of the rule. So there have been reports of U.S. citizens, current green card holders, refugees, etc. foregoing use of benefits. This is often because individuals believe using their benefits will mean that a family member will be denied a green card, or, in the case of an exempt individual (refugees) their own chance of obtaining a green card.

***What are the short and long-term Issues associated with Public Charge?***

One of the biggest issues with the public charge rule, both in the short-term and long-term is the “chilling effect” it has on benefits use by those who are not subject to the public charge rule. There is a lot of confusion about the public charge rule so that those who are not actually impacted by the rule (citizens, legal permanent residents, refugees) are not using benefits they are entitled to because they are worried. For instance, there have been legal attempts to block the public charge rule during the COVID-19 pandemic based on the argument that its “chills” benefits use by communities hard hit by COVID-19.

***How has Covid-19 Affect those under the Public Charge law?***

Legal challenges to the public charge rule centered on arguments that it harms communities by discouraging care during the pandemic. Due to COVID-19, some courts had initially blocked the public charge rule nationally. Yet, the most recent development is that appellate courts largely lifted the injunctions. Currently, the public charge rule is blocked in the states of Connecticut, New York, and Vermont.

***How can CHWs be a part of the conversation?***

One of the biggest issues is misinformation. So, it can be important for HCWs to be informed to provide accurate information to the community members that they work with. This can help ameliorate concerns that arise within the community about benefits use.