

HOW TO TALK ABOUT THE PUBLIC CHARGE RULE

The Department of Homeland Security, or DHS, published its final rule on Public Charge on Aug. 14, 2019. This is one of three related public charge rules. We expect to hear more soon about the other two from the Department of State and the Department of Justice. Below are the main messages you can use when asked to speak about this DHS Public Charge rule to your community, your church congregations, the media, or any group that is interested to learn about this policy change.

The messages are divided into two categories: 1) information about the rule itself; 2) messaging about the ethical and faith-based opposition to the rule. For more in-depth analysis and information about the rule, visit CLINIC's [website](#)¹ and check out USCCB and CCUSA's [joint backgrounder](#) on the rule.²

About the DHS rule

- The new public charge rule creates a higher standard that immigrant applicants must meet to prove they are not likely to enroll in a public assistance program in the future. If they cannot meet that standard, their applications for legal immigration status would be denied.
- The rule was published on Aug. 14, 2019, but it is currently not scheduled to go into effect until Oct. 15, 2019.
- Court challenges to the rule have already been filed, and it is possible that implementation of the rule could be delayed or even halted as unlawful by the courts.
- The rule requires applicants for many types of immigration status to provide extensive evidence that they are not likely to enroll in a number of public assistance programs in the future based on several factors, including their income and financial status, age, health, household size, and education and skills.
- The rule also expands the list of public programs that, if an applicant receives them after the rule is in effect, may result in a denial based on public charge.
- However, it is important to note that: 1) most immigrants are already ineligible for the benefits on the list, 2) there are many public programs that are not on the list and will not be considered under the rule, and 3) some categories of immigrants are not subject to this public charge rule, such as refugees, asylees, and special immigrant juveniles.
- Any public assistance received by an applicant's U.S. citizen family members will not be considered in the applicant's public charge analysis.
- Immigrants who are considering enrolling in or disenrolling from a public program should seek advice from a qualified immigration attorney or accredited representative before making that decision to learn more about the potential implications on their immigration status. Access CLINIC's directory of affiliate agencies here: <https://cliniclegal.org/directory>.



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Opposition to the DHS rule

- The public charge rule essentially establishes a wealth test that would exclude people from the United States based on their socio-economic background.
- This rule raises the bar far beyond self-sufficiency, and can deny immigration status to people who have never received a cent from public programs, but are being excluded from the United States based on their working-class income and circumstances.
- This policy threatens family unity, a long-standing core principle of both our faith and the U.S. immigration system, by erecting legal barriers that cannot be overcome by family ties, but only by wealth and privilege.
- The previous version of the rule ensured that immigrants with family ties in the United States could overcome the public charge barrier with their family's financial support. The new version minimizes family support and expects the immigrant to be independently affluent.
- As people of faith, we reject this effort to base human value and dignity on affluence; our human dignity is inherent and inviolable. We also believe this rule is in tension with the common good that all of us are called to support.
- We are called to stand with all families whose strength in unity gives our country strength.
- Our faith teaches us to welcome the stranger and to ensure that they are treated with justice. This policy denies justice to immigrants and their families, and we stand firmly against it.

Resources

¹ CLINIC materials on public charge available at www.cliniclegal.org/public-charge.

² USCCB and CCUSA's joint backgrounder available in English at <https://justiceforimmigrants.org/wp-content/uploads/2019/08/Public-charge-backgrounder-8.21.19.pdf>, and in Spanish at <https://justiceforimmigrants.org/wp-content/uploads/2019/08/Spanish-public-charge-backgrounder-8.22.19.pdf>.

Updated August 28, 2019

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