



Proposed Changes to Public Charge – Submit Your Comments Today!

On October 10, 2018, the Department of Homeland Security (DHS) proposed sweeping new changes to what is commonly referred to as the 'public charge' rule. If adopted, these new regulations would make (and already have made) immigrant families afraid to enroll in programs like Medicaid, SNAP, Medicare Part D and housing assistance. With about one in three children in Nevada having at least one immigrant parent, this issue touches many in our stateⁱ.

It's estimated that nearly 300,000 Nevadans will be impacted directly and many more may avoid using services they need due to fear and misinformationⁱⁱ. Your voice matters - the public comment period is the best, *and only*, period for us to weigh in and fight back! **[Submit your comments](#) by December 10, 2018.**

In this document you will find more information explaining what public charge is, best practices for submitting comments, and sample language you can include in your comments. If you have any questions or need help submitting your comment, please reach out to emma.rodriquez@caanv.org.

What is public charge?

Current definition: A person who is considered "likely to become primarily dependent on the government for subsistence."

A public charge assessment is made when a person:

- Applies to enter the U.S;
- Applies to adjust status to become a Lawful Permanent Resident;
- A green card holder leaves the U.S. for more than 180 consecutive days (6 months) and reenters.

Under current policy, only two types of benefits are considered:

- 1) Cash assistance, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and comparable state or local programs;
- 2) Institutionalization for long-term care at government expense.

How would the public charge test change under the proposed regulation?

Proposed changes include:

- Definition of "public charge" would change to: "An immigrant who receives one or more public benefits."
- Totality of circumstances test (considers age, health, family status, financial status, education and skills 7 affidavit of support) has new detailed negative factors that make it harder for low and moderate income people to pass.

- Includes additional public benefits that help participants meet basic needs, such as:
 - Non-emergency Medicaid;
 - Supplemental Nutrition Assistance Program (SNAP);
 - Low Income Subsidy for prescription drug costs under Medicare Part D;
 - Public Housing, Section 8 housing vouchers, and Project-Based Section 8.

Please consult these fact sheets for more information:

[Helpful doc explaining more on public charge from CLASP](#)

[How proposed changes to public charge would impact children in immigrant communities doc from the Georgetown Center for Children and Families](#)

[Public Charge Proposed Rule: FAQs from Manatt Health](#)

[Resources page from the PIF Campaign has several other helpful links!](#)

Why do Comments Matter?

- Federal law requires that the government read and consider every *unique* comment before issuing a final rule;
- A large number of comments could slow down the process and give policymakers more time to reconsider the final rule change;
- Comments give our communities a chance for their voice to be heard;
- Comments can provide a later opportunity to challenge the regulations in court.

Tips for Commenting:

- Write comments in your own words!
 - Templates are fine – but you should edit them so that you can be sure you are submitting a unique comment. DHS will group all identical comments and count them as one comment, so it’s important to add your own words and ideas so it can be counted as a unique comment.
 - **For a comment to count, 30 percent of it needs to be unique language – so please include areas to personalize and write in your own words.**
 - Share your own thoughts and experiences and explain why this matters to you and/or your organization.
- Submit your comments as soon as possible!
 - Comments must be submitted by December 10, 2018. You can submit them on regulations.gov at <https://www.regulations.gov/document?D=USCIS-2010-0012-0001> using the “comment now” button. Please also share your comments with the Protecting Immigrant Families campaign by [uploading a copy here](#).
 - For a step by step guide on submitting comments, [click here](#).

Language for Comments:

Below you will find links to sample comments you can pull from when submitting comments. Again, it is important to structure a unique comment – while it’s fine to take some of the language, please make sure you are also writing parts in your own words.

[Comment Template from First Focus](#)

[Protecting Immigrant Families Campaign Template and Key Points to Include](#)

Nevada statistics you can work into your comments to help make them unique:

- There are 140,000 citizen children in Nevada with a noncitizen parentⁱⁱⁱ.
- Medicaid and CHIP covered over 46 million children nationwide and 505,839 children in Nevada in 2017^{iv}.
- In the 2017, the Nevada Legislature voted to remove the five year wait period for lawfully residing immigrant children to enroll in Medicaid and CHIP. The proposed rule is inconsistent with the intent of this policy making it easier for immigrant children to get and stay covered.
- In 2016, Nevada had the largest percent decrease of uninsured children across the nation. The proposed regulation threatens to reverse the progress our state has made in covering kids.
- Medicaid is particularly important to children of color who are disproportionately represented among beneficiaries because they are more likely to be economically disadvantaged. Hispanic children make up 41% of the total population of children in Nevada, but 55% of Hispanic children are covered by Medicaid and CHIP in our state^v.
- Though immigrant eligibility for SNAP remains limited, 2,000 non-citizen children received food assistance through SNAP in FY2016 in Nevada^{vi}.

ⁱhttps://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_C05009&prodType=table

ⁱⁱ <https://www.manatt.com/Insights/Articles/2018/Public-Charge-Rule-Potentially-Chilled-Population>

ⁱⁱⁱ <http://files.kff.org/attachment/Issue-Brief-Potential-Effects-of-Public-Charge-Changes-on-Health-Coverage-for-Citizen-Children>

^{iv} <https://www.medicaid.gov/chip/downloads/fy-2017-childrens-enrollment-report.pdf>

^v <https://ccf.georgetown.edu/wp-content/uploads/2018/05/Kids-coverage-by-race-ethnicity-update-v2.pdf>

^{vi} <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2016.pdf>