



FACT SHEET: PROPOSED PUBLIC CHARGE RULE CHANGE IS A BLACK ISSUE AND WE MUST FIGHT BACK

WHAT IS PUBLIC CHARGE

The public charge test is used by U.S. immigration officials to determine if a person is likely to become primarily dependent on the government for assistance. Currently, the government considers someone a "public charge" if they receive cash benefits or need long-term care and is coupled with the totality of circumstances of the family adjusting to a new immigration status.

WHEN WOULD I UNDERGO THIS TEST?

If they succeed, the administration would use this test when considering applications for green cards or non-immigrant U.S. visas such as student visas, work visas, among others. They would have more reasons to refuse admission to the country or deny applicants. Individuals applying for CITIZENSHIP are not subject to this test.

ARE THERE ANY POSITIVE FACTORS?

There are only two positive factors that will be considered and weighed against negative factors when considering the totality of circumstances:

- Speaking the English language fluently
- Earning above 250% the poverty level which is about \$62,000/year for a family of 4.

HOW IS THIS PROPOSED PUBLIC CHARGE RULE DIFFERENT? WHAT CHANGED?

Nothing has changed yet BUT the Trump administration has proposed re-defining public charge. Under a proposed public charge regulation change the Trump administration published on October 10, 2018, immigration officials would consider whether individuals had received or simply sought certain needs-based public services.

WHO DOES NOT HAVE TO UNDERGO THE PUBLIC CHARGE TEST?

- Individuals applying for citizenship
- Individuals under consideration for TPS, DACA, VAWA, refugee or asylee status
- Children and other dependents of immigrants who are not applying for green card or adjusting their immigration status.

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I HAVE TPS, WHAT DOES THIS MEAN FOR ME?

If you are applying to renew your TPS, the public charge test will not apply to you. If you are applying to adjust to another immigration status for a green-card through a family member, employer, the test will apply to you and anyone else in your household adjusting. The test does not apply if you are filing for asylum.

WHAT IF I AM APPLYING FOR A GREEN CARD FOR MY CHILD UNDER THE AGE OF 18?

Yes, The public charge test will apply to them.

WHO CAN COMMENT?

Ask your friends, elected officials, business leaders, public health advocates, everyone who believes in justice to speak up. Invite them to visit UndocuBlack Network's website and sign up for updates.

WHERE CAN I GET MORE INFORMATION?

The Protecting Immigrant Families, Advancing Our Future campaign is a collaboration between the Center for Law and Social Policy (CLASP), National Immigration Law Center (NILC), and hundreds of advocates, including the UndocuBlack Network, who have come together to fight back. Find up-to-date resources on the public charge rule and related policies here:

<https://protectingimmigrantfamilies.org/>

PUBLIC COMMENT PERIOD IS OCTOBER 10TH TO DECEMBER 10TH, 2018

Join the Protecting Immigrant Families national campaign and share comments on the impact of the proposed rule change. Be sure to share the specific ways in which Black immigrants are impacted using our factsheets as a guide

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