



Public Charge Advocacy Toolkit

1. Background information

What's happening?

- On October 10, 2018 the Trump Administration proposed drastically expanding the definition of who constitutes a “public charge” through a proposed rule in the Federal Register.
- Under current immigration law, an individual can be denied entry or denied a change of immigration status if they are considered a “public charge.”
- The proposed rule is *not yet final* and there is an opportunity to submit public comments.

Who the proposed rule affects and why we are concerned:

- This rule affects families who are applying to become lawful permanent residents (LPR or green card holders), to extend or change the category of a nonimmigrant visa, or to bring family members to the U.S.
- While resettled refugees and asylees have been and will continue to be exempt with respect to their own adjustment of status applications, the rule will impact refugee and asylee communities in two ways.
 - First, many refugees have families with complex immigration statuses and fear surrounding this change will likely result in refugees un-enrolling in critical benefits which help them successfully integrate. The last time the definition of public charge was expanded, for example, refugee use of benefits [fell drastically](#) even though they were still eligible: food stamps fell by 60%, TANF by 78% and Medicaid by 39%.
 - Second, when refugees become green card holders and want to petition for their family members, it *will* apply and they could face challenges under the proposed rule. The proposed rule re-defines public charge to include many legally present and gainfully employed immigrants who utilize critical programs like the SNAP or Head Start programs, in order to make ends meet for their families. The proposed rule will result in families choosing between forgoing critical nutritional, medical, or educational assistance for their families, for fear of jeopardizing their own immigration status.
- The rule will also directly impact U.S. citizens, as immigrant parents of U.S. citizen children may choose to forgo critical public health and safety programs for their families for fear of jeopardizing their own immigration status.

What we're asking you to do:

- Submit a **unique public comment** on the proposed rule before **December 10, 2018**; and,
- Reach out to your networks to encourage them to do the same.

Why are we asking you to submit public comments and what happens next?

- The Department of Homeland Security (DHS) must consider all public comments filed on time.
- Additionally, if it appears the agency did not consider substantive public comments, it may open the agency to litigation under the Administrative Procedures Act (APA).
- After DHS carefully considers public comments received on the proposed rule, DHS plans to issue a final public charge rule that will include an effective date at least 60 days after the date the *final* rule is published. In the meantime, and until a final rule is in effect, USCIS will continue to apply the current public charge policy (i.e., the [1999 INS Interim Field Guidance](#)).

2. How to use the toolkit

Step #1: File your own public comment using the tools and resources in Section 3 and 4 below.

- Use the talking points in Section 3 to craft your own unique public comment; **or**, use the sample public comments provided.
- Use the step-by-step instructions in Section 4 to file public comments on the federal register.

Step #2: Encourage your networks to file public comments using the attached tools and resources (and by promoting the digital advocacy efforts through your social media platforms).

Background & Additional information

- **Remember:** public comments are just that, public, so what you end up posting will be available for the government and the public to see.
- **Want more information on the substance of the proposed rule before filing a public comment?** A number of national organizations are taking the lead on pushing the public to mobilize around the public charge. It's worth examining their information if you intend to file a unique public comment (encouraged by the advocacy team):
- Protecting Immigrant Families has a [comprehensive analysis](#) of the proposed public rule; and, the National Immigration Law Center has [additional resources](#) as well.
- **Helpful tools:** The Protecting Immigrant Families (PIF) campaign [has additional information about how to talk to immigrants](#) about the details of the proposed rule.

3. Key points and sample comments

Option 1: Write your own comment

- **Remember:** *Anyone can submit public comments into the Federal Register. Unique public comments are highly encouraged to ensure your voice is heard and comment is counted.*

Key points to include:

- History tells us that immigrant families, including even those exempt from the public charge (e.g. refugees and asylees), would be too afraid to seek access to healthy food, health care and housing. This fear would ultimately harm entire communities.
- The proposed public charge rule is a complete betrayal of core American values: it closes the door to those immigrants who are eager to work hard and achieve the American Dream.
- This rule is yet another attempt to keep families apart: it would prevent U.S. citizens and immigrants from reuniting with their families. Simply put, this is not who we are as a nation.
- The proposed rule puts the health and wellbeing of millions of families at risk by greatly expanding the definition of public charge.
- The proposed rule re-defines public charge to include many lawfully present and gainfully employed immigrants. Critical nutrition, medical or educational assistance have long enabled families to be productive and raise children who thrive.
- The consequences of this proposed rule would be felt by U.S. citizen children: parents of U.S. citizen children would be forced to choose between depriving their children of critical public health and safety programs or jeopardizing their own immigration status. This is a cruel and impossible decision. Both outcomes have devastating consequences for the wellbeing of children and families in America.
- See the Protecting Immigrant Families' [comprehensive analysis](#) of the proposed public rule for further detailed analysis.

Option 2: Add your unique voice to a sample comment

- Remember: Try to make these pre-drafted comments your own and add your personal story.

Sample Comment (General)

- I, [name], am strongly opposed to the Department of Homeland Security's proposed rule change on the "public charge." The proposed policy would devastate our communities by making immigrant families afraid to access essential health, nutrition and shelter programs. Immigrant communities would live in fear of seeking support they need to thrive, regardless of whether or not they are actually subject to the "public charge" test. This proposed rule would hurt families and communities. I respectfully urge the Administration to withdraw this proposed rule on the public charge.

Sample Comment (Core American values)

- I, [name], write to express opposition to the Department of Homeland Security's proposed rule on the "public charge." America is a nation of immigrants. For centuries, we have welcomed families from across the world to pursue better lives and realize the American dream. The proposed rule goes against everything we stand for as a country. I oppose this rule because I firmly believe that our lives must be defined by the contributions we make to our communities and our country, not by how much money we earn.

I am also deeply concerned that this rule would keep families apart. The family-based immigration system already requires sponsors to assume financial responsibility for family members they wish to bring to the United States. Yet this new rule would force families to make impossible choices, including parents deciding between providing for their children's immediate needs or being eligible to reunite with family members. This is a choice no one should have to make.

Diversity has always been America's greatest strength. But this rule would penalize individuals who have children (including U.S. citizen children), fill critical lower wage earning jobs, or have medical conditions. I urge you to consider the core American values at stake and rescind this proposed rule to expand the public charge.

Sample Comment (Lessons from history)

- I, [name], am writing ask the Department of Homeland Security to rescind its proposed rule on the "public charge." I am deeply concerned that this proposed rule would put the health and wellbeing of millions of immigrant families at risk.

In 1996, the last time the United States made changes to the public charge rule, it instilled tremendous fear in communities and led to significant drops in the use of programs critical to supporting families. Even populations who were exempt from the public charge, like refugees and victims of trafficking, stopped using critical benefits that provided the support necessary for their families to rebuild their lives in the United States. The use of a temporary assistance program known as TANF, for example, fell 78% among the refugee population despite the fact that refugees were not subject to the public charge test. The current proposed rule would similarly instill great fear in our communities across the country.

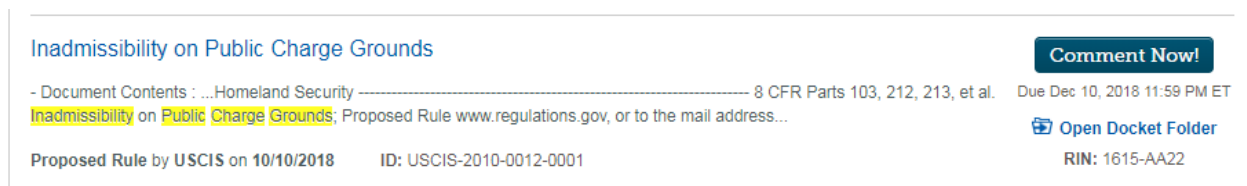
Moreover, in 1996, when Congress expanded the definition of "public charge", it rejected a definition that would have included food and health care assistance. These forms of assistance are now included in the currently proposed rule. The attempt to reform the public charge now through rulemaking in the Federal Register clearly ignores Congressional intent. I respectfully ask the Administration to rescind this rule.

4. How to file a public comment

Background: Federal agencies issue rules and regulations that impact our daily lives. After a rule is proposed, there is a public comment period during which time anyone can submit their input to the relevant agency. These comments are reviewed and taken into consideration before the rule is finalized. The comment period for this rule is 60 days. The final day to submit a comment is **December 10, 2018, 11:59 PM EST.**

Step-by-Step instructions to submit comments on the federal register:

1. Go to Regulations.gov at <https://www.regulations.gov>;
2. Navigate to the “Inadmissibility on Public Charge Grounds” proposed rule via the search bar.
 - You can find it in one of three ways:
 - search by title using, “Inadmissibility on Public Charge Grounds,”
 - by docket number “USCIS-2010-0012,”
 - By clicking [here](https://www.regulations.gov/document?D=USCIS-2010-0012-0001) (<https://www.regulations.gov/document?D=USCIS-2010-0012-0001>).
3. Click on the blue “Comment Now!” button in the top right corner;
4. Type your comment and name, and if desired, enter your contact information. Note that the content of the comment and your name will be made viewable publicly;



5. Click Continue; and,
6. Review your comment, check the disclaimer box, and click Submit Comment.

Additional information:

- To easily find your comment in the future, save the “Comment Tracking Number” provided to you on the submission confirmation page. Because comments are sometimes reviewed first, there may be a delay before it appears on Regulations.gov.
- To view the comments that have already been submitted on the public charge rule, navigate to the “Inadmissibility on Public Charge Grounds” proposed rule page and click on “Open Docket Folder’ at the top of the page. Or, click [here](#).
- To review “Frequently Asked Questions” posted by the National Archives, visit (<https://www.regulations.gov/faqs>) and, tips for Submitting Effective Comments, https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf.

For questions regarding this toolkit, please contact the IRC Policy & Advocacy Team at advocacy@rescue.org