

### **What is 'Public Charge'?**

- 'Public Charge' is a term used in immigration law to assess whether an immigrant applying for visa, admission, or a green card (lawful permanent residence, or LPR) may be reliant on government benefits
- Certain immigrants<sup>1</sup> are not subject to the rule
- Those deemed by the government to be a 'public charge' may be denied a green card and/or visa renewal

### **How is the proposed rule changing current regulation?**

- Currently, benefits considered in determining who is likely to become a 'public charge' are limited to cash benefits such as Temporary Assistance for Needy Families (TANF) and other types of non-monetized benefits are prohibited from inclusion
- The proposed rule expands the list of benefits that may be considered to include:
  - Section 8 public housing vouchers
  - Supplemental Nutrition Assistance Program (SNAP) food assistance
  - Medicare Part D subsidies
  - Medicaid, with some exceptions<sup>2</sup>
  - Children's Health Insurance Program (under consideration)
- Unlike earlier leaked drafts, the proposed rule does not include advance premium tax credits (APTC) or cost-share reductions (CSRs)
- The proposed rule would not be retroactive. Any of the expanded list of benefits used prior to the rule becoming final and effective will not be used in public charge determinations.

### **Who could be impacted in Colorado?**

- Applicants for, or recipients of, any of the expanded list of non-monetized benefits listed above that are subject to public charge
- Family members or household members of individuals subject to public charge
- Sponsors of such individuals
- Immigrants not subject to the rule, but who disenroll from benefits due to confusion, fear, or misinformation

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<sup>1</sup> Public charge does not apply to refugees, asylees, victims of trafficking, battered spouses, active duty service-members, and certain other vulnerable groups

<sup>2</sup> Emergency medical assistance provided under §1903(v) of Title XIX, Services provided under the Individuals with Disabilities Education Act; Benefits provided to foreign-born children of US citizen parents

**What is Connect for Health Colorado doing in response to the proposed rule?**

- Communications and messaging via our website, FAQ section, and Partners in Progress newsletter in advance of Open Enrollment
- Resource development for in-person assisters (brokers, health coverage guides, certified application counselors, county eligibility workers, community partner organizations)
- Training content for service center representatives
- Review of language and help text on immigration status pages of our eligibility application
- Comment submission on the proposed rule
- Collaboration with other state-based marketplaces on messaging best practices

**Additional Background Information**

- 10% of Coloradans were not born in the US<sup>3</sup>
- Of all foreign-born residents in Colorado, 61% are not U.S. citizens and 39% are naturalized citizens<sup>4</sup>
- Of Colorado's uninsured population in 2017, 252,000 (or 57%) were eligible for assistance to obtain health coverage: 130,000 through Medicaid or Child Health Plan Plus (CHP+) and 122,000 through advanced premium tax credits.<sup>5</sup>

**Next Steps**



<sup>3</sup> "State Immigration Data Profile: Colorado." Available at <http://www.migrationpolicy.org/data/state-profiles/state/demographics/CO/US>.

<sup>4</sup> Center for Health Progress: <https://centerforhealthprogress.org/blog/publications/immigrant-demographics/>

<sup>5</sup> Center for Health Progress: <https://centerforhealthprogress.org/wp-content/uploads/2018/02/Immigrant-Demographics-Primer.pdf>; these numbers may include immigrants without documentation.