



The Center for Public Representation Condemns the New “Public Charge” Rule

The Center for Public Representation (CPR) joins other disability, immigration, civil rights, and health care organizations in condemning the Department’s Homeland Security’s new [“public charge” rule](#). We believe that the new rule is unfair, dangerous, blatantly discriminatory, and illegal. *The new rule will exclude people from this country simply because they have a disability.* It’s a throwback to an outdated notion rooted in prejudice and discrimination: that people with disabilities do not have a valued place in our society.

The Department of Homeland Security published the new rule on August 14, 2019, ignoring more than 250,000 comments from stakeholders strongly opposing the proposed rule, including from [CPR](#). Unless it is delayed or stopped by litigation (see below), the new rule will take effect on October 15, 2019.

The Devastating and Discriminatory Impact of the New Public Charge Rule on People with Disabilities

The new rule will prevent people with disabilities and their families trying to enter the U.S. (get a visa) or get a green card (become a permanent resident) because they will be mischaracterized as being a “public charge,” meaning depending on public benefits to meet their needs. Many of the programs and benefits that are now included in the new rule are ones on which people with disabilities and their families often rely, including Medicaid-funded community services. The new rule will discourage families from using these critical public services for fear of harming their immigration status.

The new rule also looks at a person’s health to decide if they will become a public charge. Having a medical condition that is “likely to require extensive treatment, institutionalization or interfere with the ability to care for self, attend school or work” will weigh heavily against a person, and the absence of a medical condition (including disabilities) is considered a “positive factor.”

Another factor in the new rule is whether a person can obtain private health insurance to pay expected medical costs related to the condition. Because many critical community services are only available through Medicaid and are not covered by private insurance (see below), many people with disabilities – including people with intellectual and developmental disabilities, psychiatric disabilities, or physical disabilities who need personal care services – will be screened out as someone likely to become a “public charge.” In other words, the proposed rule will exclude people with disabilities *simply because they have a disability.*

The New Public Charge Rule is a Thinly Veiled Attack on Medicaid and Other Crucial Programs

Any adult who receives or might one day receive Medicaid will be negatively impacted by the new public charge rule. (The new rule specifically excludes the use of Medicaid by children under 21 or pregnant women.). For adults, the new rule now includes Medicaid-funded community services in considering whether someone is a public charge in addition to Medicaid-funded long-term institutional care as was in the prior version of the rule. This creates an unfair choice for people with disabilities. Medicaid is the *only* source for critical community living supports for people with disabilities (like personal care services, nursing services, respite, intensive mental health services and employment supports) for people with disabilities; these community services simply aren't available under private insurance. Many people with disabilities rely on Medicaid to live, work, attend school and participate in their communities. People with disabilities will be forced to choose between surviving without needed community services or be denied entry into this country *just because* they have a disability that might require services.

The new rule adds a range of additional programs and benefits to the consideration of public charge in addition to Medicaid, including federal housing and food assistance. Many people with disabilities and their families use these programs. The new rule means that people could be denied admission to the U.S. or have their application for lawful permanent residency denied because they used these programs.

The public charge rule is causing fear and confusion in many communities. It is important that people know their rights and consult an immigration attorney about whether the rule applies to their situation before deciding to forego healthcare and other programs critical to their health and stability. The Protecting Immigrant Families Coalition has a ["Know Your Rights" webpage](#) with resources.

Multiple Lawsuits Filed Against the New Public Charge Rule Aim to Strike it Down as Being Illegal

The federal government cannot create regulations that violate federal law, including anti-discrimination laws like Section 504 of the Rehabilitation Act prohibiting disability discrimination. Numerous states and public interest organizations have already filed lawsuits across the country challenging the public charge rule as illegal. These lawsuits aim to have the public charge rule struck down before it goes into effect on October 15, 2019. CPR strongly agrees that the public charge rule illegally discriminates, including against people with disabilities, and is working to support these lawsuits across the country.

Learn more about the new public charge rule and its impacts on people with disabilities and the lawsuits challenging it at <https://medicaid.publicrep.org/feature/public-charge/> and for general information on the rule and its impacts <https://protectingimmigrantfamilies.org/>.

CPR is a national legal advocacy organization that promotes the full inclusion and integration of people with disabilities in all aspects of life. For more than four decades,

CPR has advanced the civil rights of people with disabilities and fought against disability discrimination. For more information about CPR, please visit our website:
<https://centerforpublicrep.org>