



Center for Public Representation



Impact of the Public Charge Rule on People with Disabilities

What is the Public Charge rule?

On October 10, the Department of Homeland Security announced the “public charge” rule. This rule allows the U.S. to keep out people who may become a “public charge.” Someone is called a “public charge” if the government thinks you might depend on government benefits to meet your needs. Someone who is called a “public charge” will be discriminated against if they try to enter the U.S. (get a visa) or get a green card (become a permanent resident).

The proposed rule is unfair, dangerous, and blatantly discriminatory. *The rule will end up excluding people from this country simply because they have a disability.*

The U.S. has already had a public charge rule for a long time. The new rule will make things much worse. Under the old rule, someone was only considered a public charge if they used cash benefits, like social security or TANF, or if they lived in an institution. The new rule uses a much bigger list of programs and benefits. It says you only have to use a small amount of benefits to count as a public charge. It also looks at other things like someone’s health, education, and income.

The Rule Hurts People that Need Public Programs and Benefits

The new rule punishes families that use or may need to use important services. It will also discourage families from using services for fear of harming their immigration status. People with disabilities and our families often need government benefits in order to stay fed, housed, and healthy. Under the new rule, using--or even just applying for--these benefits will count against us. Some of the programs and benefits that will count against us under this new rule are:

- Medicaid
- Food stamps, or SNAP
- Medicare Part D assistance
- Section 8 housing assistance
- Children’s Health Insurance Program, or CHIP (they are still deciding whether to include this program)

The Rule is An Attack on Medicaid

The public charge rule is another attack on the basic services people with disabilities receive through Medicaid. The new rule includes the Medicaid-funded services that help people with disabilities stay in our homes, work, go to school, and live in our communities. These services are sometimes called waiver services, personal care services, nursing services, respite, intensive mental health services, and employment supports. Medicaid is the *only* source for community living supports for people with disabilities. Community services simply aren’t available under private insurance. This rule will force immigrant families to choose between surviving without needed community services or being denied entry into this country *just because* their family member has a disability and might need services.

The Rule Discriminates Against People with Disabilities

The proposed rule directly discriminates against people with disabilities and chronic health conditions. In addition to benefits, the rule looks at a person's health to decide if they will become a public charge. If someone has certain medical conditions, that counts against them.

The rule also looks at whether or not a person can get private health insurance to pay for the medical costs the government thinks they will have because of their chronic health condition or disability. If someone doesn't have health insurance, that counts against them. But because many important community services are only available through Medicaid and are not covered by private insurance, many people with disabilities won't pass this test. This factor is given heavy weight in the public charge test. It's another way that the rule will hurt people with disabilities.

The rule will also look at how much money you have. If someone or their family is low-income, that will count against them. The rule also looks at your education and employment. Many people with disabilities face disadvantages in education and employment based on their disability. All of these things mean the proposed rule could exclude people with disabilities *simply because they have a disability*.

The rule would have other bad effects on people with disabilities. Many home care and other direct support workers are immigrants who may use public programs. The rule will hurt them, too. That could make it even harder for people with disabilities to be independent and live in the community.

People with disabilities and their families may choose to go without critical public services out of fear of being punished under this rule. This could lead to sicker, poorer people with unstable housing. The rule is bad for people with disabilities and bad for the country.

You Can Help Stop This Rule

If the new rule is put into practice, it will hurt many immigrants and immigrant families, including people with disabilities. *But there is still time.* The Department of Homeland Security is taking comments on the rule until December 10th. Anyone can comment on the rule, and the government is must read and respond to the comments. It is critical that the disability community sends in as many comments as possible explaining why this rule is dangerous and discriminatory and why it should not be put into practice. **If we all speak up, we can keep this rule from being implemented.** You can comment by going to <http://bit.ly/2Q0iuzm>.

For more information about the public charge rule, visit <https://protectingimmigrantfamilies.org/> or <https://medicaid.publicrep.org/feature/public-charge/>.

For more information on this and other topics, visit:

The Arc of the United States: www.thearc.org

Autistic Self Advocacy Network: www.autisticadvocacy.org

Center for Public Representation: www.centerforpublicrep.org