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

The Center for Public Representation (CPR) joins other disability, immigration, civil rights, and health care organizations in expressing strong opposition to the Department’s Homeland Security’s proposed [“public charge” rule](#). The proposed rule is unfair, dangerous, and blatantly discriminatory. *The rule would exclude people from this country simply because they have a disability.* It’s a throwback to an outdated notion rooted in prejudice and discrimination: that people with disabilities do not have a valued place in our society. If finalized, the rule would erode public health. Immigrants in the U.S. legally will be forced to go without needed healthcare, nutrition assistance, and safe and affordable housing even though their families are eligible for the programs. It rewrites our national immigration story and undermines the American value of opportunity for all.

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.

The Rule Will Devastate People with Disabilities

This morning, the Department of Homeland Security published the [“public charge” rule](#) in the federal register. The rule will discriminate against immigrants with disabilities and their families trying to enter the U.S. (get a visa) or get a green card (become a permanent resident). This rule allows the U.S. to keep out people who may become a “public charge,” meaning that the government thinks you may depend on state and federal benefits to meet your needs. The proposed rule dramatically expands the programs and benefits that will be considered in deciding who is a “public charge.” Many of the programs and benefits included in the new rule are ones on which people with disabilities and their families often rely, including Medicaid-funded community services. The rule will discourage families from using these critical public services for fear of harming their immigration status.

The Rule is An Attack on Medicaid

The public charge rule is another attack on the critical services people with disabilities receive through Medicaid. Any immigrant who receives or might one day receive Medicaid would be impacted if the rule becomes final. The proposed rule would include Medicaid-funded community services in considering whether someone is a public charge (the current public charge rule already includes Medicaid-funded institutional care). This would create 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. If this rule becomes final, immigrant families would be forced to choose between surviving without

needed community services or be denied entry into this country *just because* their family member has a disability that might require 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 proposed rule would look at a person's health to decide if they will become a public charge. Having certain medical conditions weighs heavily against a person, and the absence of a medical condition (including disabilities) is considered a "positive factor." The proposed rule specially calls out people with the "most expensive health conditions," including heart disease, cancer, trauma, and mental health conditions. Another factor in the 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 above), many people with disabilities – including people with intellectual and developmental disabilities, psychiatric disabilities, or physical disabilities who need personal care services – could be screened out as someone likely to become a "public charge." In other words, the proposed rule would exclude people with disabilities *simply because they have a disability*.

The Rule Discourages the Use of Important Programs and Benefits

The proposed rule adds a range of additional programs and benefits to the consideration of public charge, including housing and food assistance and Medicare prescription subsidies. Many people with disabilities and their families use these programs. The new rule would mean that people could be denied admission to the U.S. or have their application for lawful permanent residency denied because they used (or even applied for) these programs. The rule also seeks comment on whether the government should include the Children's Health Insurance Program (CHIP) – an important health insurance program used by many children with disabilities – in finding someone is a public charge.

Make Your Voice Heard Through Public Comment

The public charge rule is only proposed at this point. The federal government must seek input from the public before it can finalize the rule. This is a critical opportunity to make our voices heard! CPR encourages people with disabilities, their families and allies to learn more about public charge and what it means for immigrants with disabilities and their families. It is essential that the disability community speaks out against this devastating rule during the public comment period from October 10 to December 10, 2018.

Learn more about the public charge rule and its impacts on people with disabilities at <https://medicaid.publicrep.org/feature/public-charge/> or for general information on the rule and its impacts <https://protectingimmigrantfamilies.org/>. These websites include information and resources on how to comment.