



CONSORTIUM FOR CITIZENS
WITH DISABILITIES

Homeland Security's Proposed Rule to Expand "Public Charge" Determinations Harms People with Disabilities

October 15, 2018, Washington, DC -- The Consortium for Citizens with Disabilities (CCD) strongly opposes the Department of Homeland Security's proposed rule amending the standards for when a person may be considered a "public charge," published in the *Federal Register* on October 10, 2018. The proposed rule would make it significantly harder for people with disabilities to immigrate to the U.S. or to become legal permanent residents.

Under current law, non-citizens can be considered likely to become a "public charge" if they are likely to become primarily dependent on the government for subsistence. Being deemed likely to be a public charge means that a person can be denied the right to enter the U.S. or denied a "green card" granting legal permanent residence status.

The Proposed Rule Would Harm People with Disabilities and Lead Many to Avoid Using Needed Benefits

The proposed regulation would greatly expand the types of assistance that can make a person a public charge. Currently, receipt of cash assistance, including SSI (Supplemental Security Income), TANF (Temporary Assistance for Needy Families), comparable state programs, and government-funded institutionalization can be considered in determining that a person is likely to become a public charge. The proposed rule would also consider a person's receipt of Medicaid, Supplemental Nutrition Assistance Program (SNAP or Food Stamps), Section 8 housing vouchers and project-based rental assistance, and Medicare Part D benefits. The government is also considering adding Children's Health Insurance Program (CHIP) benefits to the list. Use of these benefits would be "heavily weighted" against a person. Considering these benefits, which are widely used by adults and children with disabilities, would mean that large numbers of people with disabilities could be denied entry or denied a green card.

Further, the possibility of harming a person's immigration status—and the ability of families to remain together—will lead many people with disabilities to disenroll from or avoid applying for needed healthcare, housing, and other benefits.

The Proposed Rule Discriminates Based on Disability

The proposed rule would also consider whether a person is likely to require "extensive medical treatment" or long-term care, and the person's "ability to care for him- or herself

or to attend school or work” in making the public charge determination. In other words, the proposed rule would deny people the right to immigrate or to become permanent residents based on having a significant disability that requires long-term care.

“Imagine if you are a family seeking to immigrate to the United States or become a permanent resident and you happen to have a family member with cerebral palsy, autism, mental health disabilities, or any other significant disability,” stated Kim Musheno, CCD Chair and Vice President of Public Policy for the Autism Society. “Your family may be told no simply because you have a family member with a disability. This is blatant disability-based discrimination.”

"This expansion of the public charge policy ignores the tremendous contributions of people with disabilities and assumes that people with disabilities are not able to be full contributing members of American society."

The Consortium for Citizens with Disabilities will be providing comments on this proposed Rule.

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities.

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