



Update on Final Rule on Public Charge for WA FQHCs and Partners

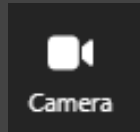
Virtual Learning Event: Thur., November 17, 2022, 10am-11am, PST

Welcome



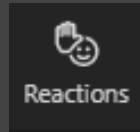
Mic

Please mute when not speaking.



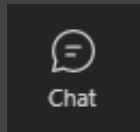
Camera

Cameras are encouraged.



Reactions

Interact and raise your hand with reactions.



Chat

Participate in discussion in the chat.

*This learning event is being recorded.
Recording and slides will be shared.*

IMMIGRANT AND REFUGEE HEALTH ALLIANCE

Immigrant and Refugee Health Alliance (IRHA) is a group of Community Health Centers, healthcare leaders and community stakeholders invested in the health and well-being of our immigrant and refugee communities in Washington state. Our group was initially formed by Community Health Network of Washington and Community Health Plan of Washington in partnership with the Washington Association for Community Health. We are led by an Advisory Committee of representatives from the healthcare field.

Our goals are to advance health equity and increase access to affordable, high-quality healthcare for immigrants and refugees in Washington state.

Visit waimmigranthealth.org to learn more.

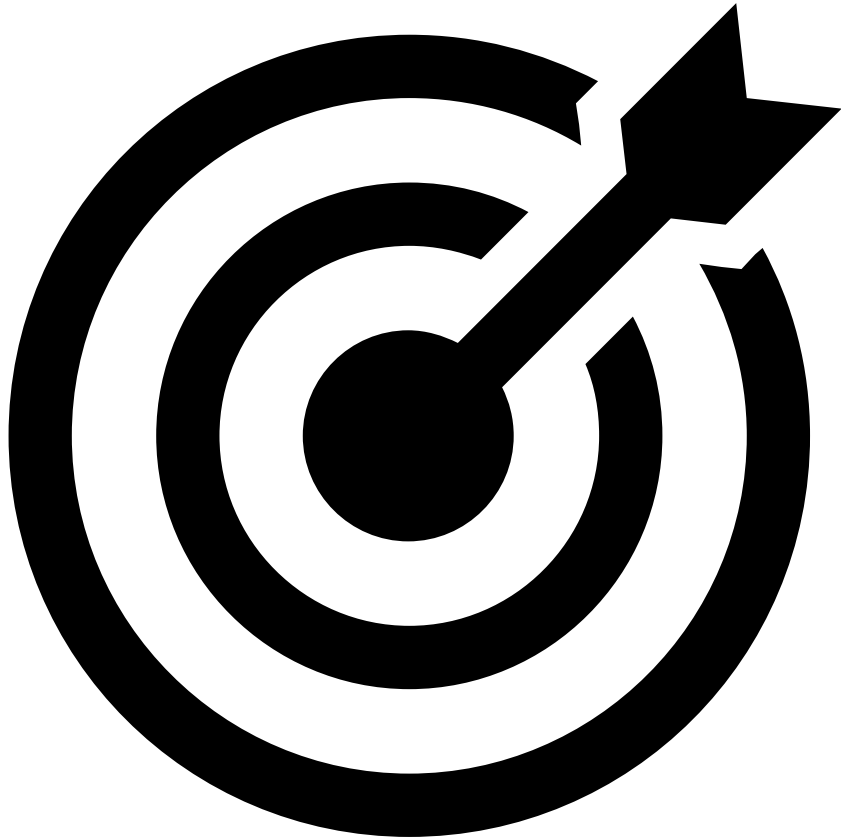


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LEARNING OBJECTIVES



As a result of attending this event, attendees will be able to:

- Describe how the Final Rule on Public Charge impacts access to services at health centers and beyond
- Identify helpful resources and strategies to educate clients and communities

AGENDA

- What is the Final Rule on Public Charge and why is it important
*Marisa Guevara , Associate Counsel II
Community Health Plan of Washington/Community Health Network of Washington*
- How can Health Centers support immigrant communities
*Kristina Hoeschen, Senior VP Supportive Services/Chief Compliance Officer
Sea Mar Community Health Centers*





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Final Rule on Public Charge

Marisa Guevara, Esq.
Associate Counsel
CHPW/CHNW

Disclaimer

- The information in this presentation is not, and is not intended to be, legal advice.
- All information provided is for general informational and educational purposes only.
- If you or someone you know has questions specific to their situation or circumstance, you should consult an immigration attorney.



Today's Topics

- Public Charge: Where Are We and How Did We Get Here?
- What Does the Final Rule Say?
- Why is the Final Rule Important?
- How Does it Affect Access to Services and Public Benefits?

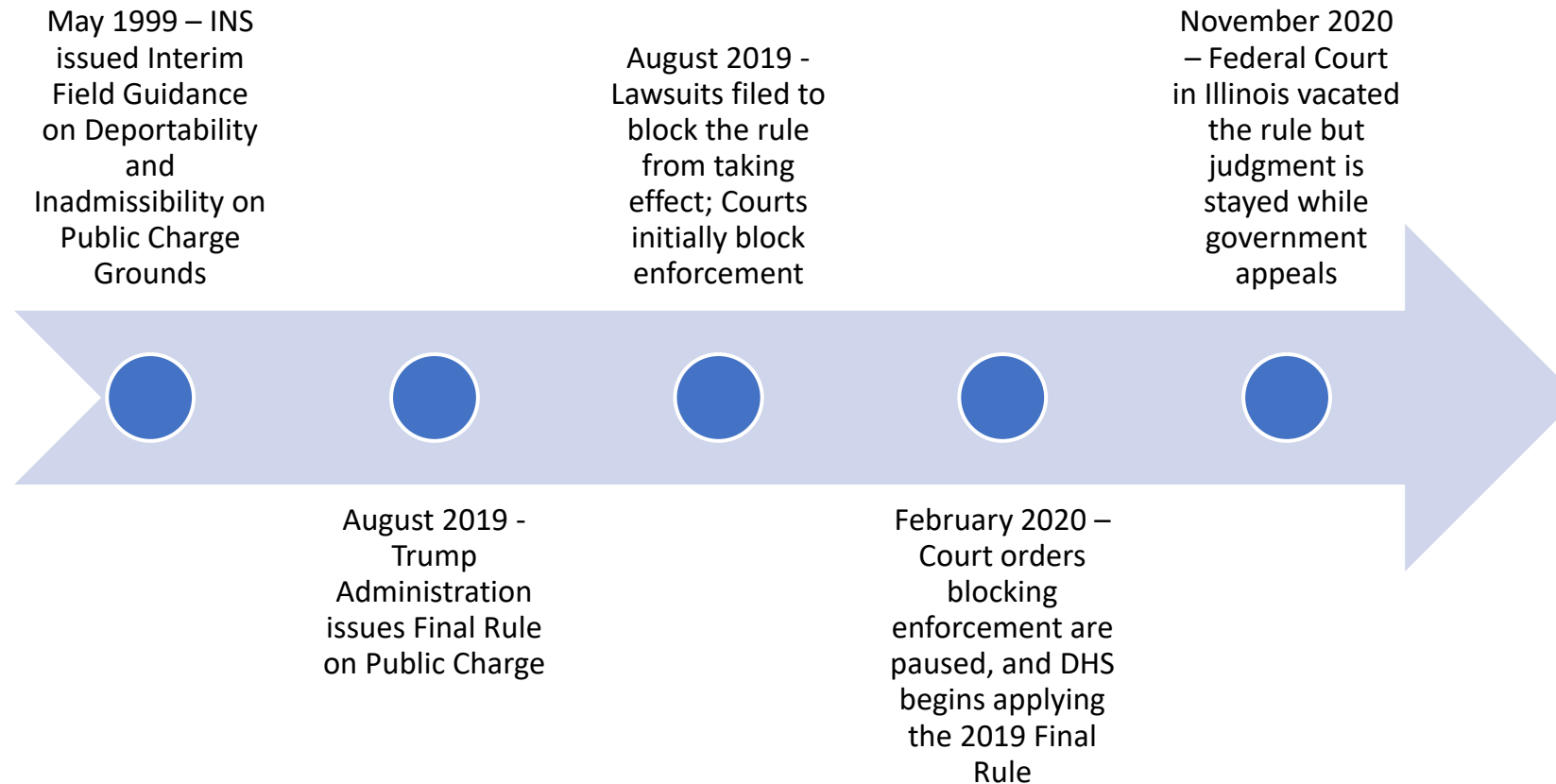


What Is Public Charge?

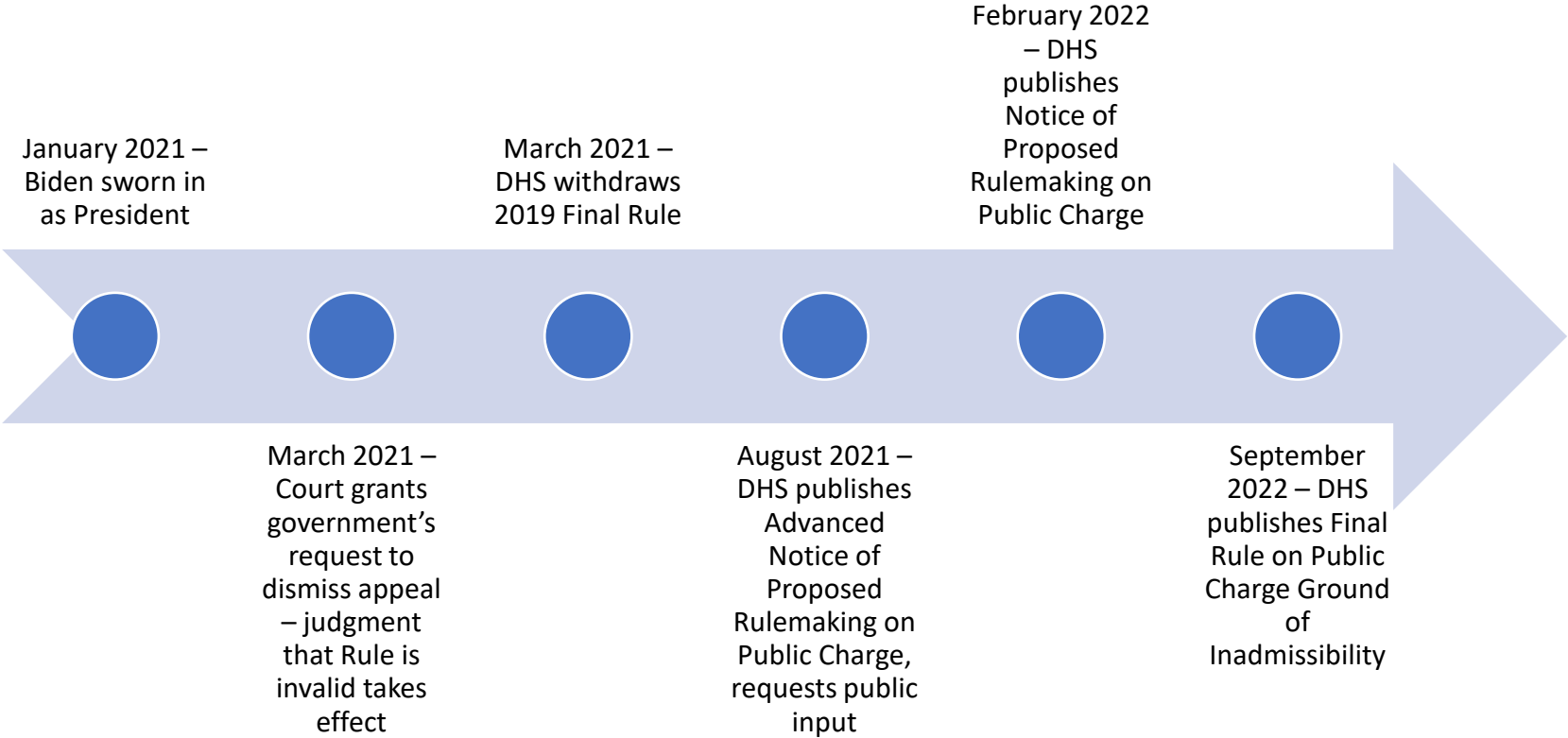
- A noncitizen may be inadmissible into the United States if DHS determines that they are likely at any time to become a public charge.
 - Does not apply to all types of immigrants
 - Has been in the law for over 100 years
 - Statute does not define “public charge” but does identify factors that must be considered
- How the agency makes that determination



Timeline (Part 1)



Timeline (Part 2)



Where We Are Now

- The new Final Rule was published on September 9, 2022
- It becomes effective on **December 23, 2022**
 - Applies to applications received on or after December 23, 2022
- For applications received **March 9, 2021 - December 22, 2022**, DHS applies the 1999 Interim Field Guidance to make public charge determinations



What Does the Final Rule Say?

- A person is likely to become a public charge only if they are likely to become “primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.”
 - Same definition as in 1999 Interim Field Guidance
- Specifically lists statuses and visas NOT subject to public charge determination



What Does the Final Rule Say?

- “Public cash assistance for income maintenance” = SSI, TANF cash assistance, and State, tribal, local, or territorial cash assistance for income maintenance
 - Non-cash assistance does NOT count
 - Cash assistance that is temporary (e.g., disaster relief) does NOT count
 - Assistance received under status that is exempt from public charge test does not count (e.g., RMA)
- “Long-term institutionalization at government expense”
 - Medicaid HCBS does NOT count
 - Short-term institutionalization for rehabilitation does NOT count



What Does the Final Rule Say?

- “Receipt” is defined narrowly
 - When a public benefit-granting agency provides public cash assistance for income maintenance or long-term institutionalization at government expense
- The definition of Receipt excludes:
 - Application for future benefits
 - Approval for future benefits
 - Assistance received on behalf of a household member
- Receipt of public cash assistance for income maintenance or long-term institutionalization alone is not enough to make someone a public charge



Why is the Final Rule Important?

- It will be harder to change the Rule in the future
- The Rule attempts to bring clarity by defining the key elements of the public charge determination
- It specifies what must be included in a written inadmissibility determination
- It lists each of the 28 immigration categories that are exempt from a public charge determination



Effect on Access to Services and Benefits

- One goal of the new Final Rule is to undo the chilling effect of the 2019
- Simpler to Explain
 - Apple Health does not count
 - Assistance received on behalf of someone else does not count
 - Applying for benefits does not count
 - Public charge does not apply to you if you are a refugee, asylee, special immigrant juveniles, U-visa holder, VAWA self-petitioner
- Transparency
 - Consideration of Affidavit of Support
 - Documented decisionmaking



Resources

Protecting Immigrant Families (PIF)

- www.pifcoalition.org/find-resources/all-resources
- Public Charge Resources at the top of the list because updated September 2022
- Materials have been translated into 15 languages

DHS and HHS press releases

- <https://content.govdelivery.com/accounts/USCMSMEDICAID/bulletins/32bdfb5>
- <https://www.uscis.gov/newsroom/news-releases/dhs-publishes-fair-and-humane-public-charge-rule>

Immigration Attorneys

- Northwest Immigrants Rights Project (nwirp.org)



Questions?



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THANKS



EVENT EVALUATION :

Click on link in CHAT Box to fill out Event Evaluation or scan



EVENT MATERIALS:

Link to recording & slides will be emailed

QUESTIONS/COMMENTS:

Contact Patricia Gepert (pgepert@wacommunityhealth.org)



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