

October 22, 2021

ATTORNEY GENERAL RAOUL SUPPORTS NEW FEDERAL EFFORT TO REVISE PUBLIC CHARGE REGULATIONS

Chicago — Attorney General Kwame Raoul, as part of a coalition of 21 attorneys general, today submitted a comment letter supporting the U.S. Department of Homeland Security's (DHS) efforts to revise and update federal public charge regulations. The comment letter also highlights the substantial harms of the now-defunct 2019 Public Charge Rule (2019 Rule), put forward by the previous administration, which DHS should avoid in any final rulemaking. In contrast to the 2019 Rule, the current rulemaking priorities will help protect the health and safety of immigrant families, as well as communities across the country.

"The federal effort to revise public charge regulations is an important step forward in protecting immigrants and their families," Raoul said. "I am committed to protecting the rights of immigrants and ensuring illegal and discriminatory policies like the now-defunct 2019 Public Charge Rule will not stand."

Longstanding guidance by the federal government has defined a "public charge" as a person who is primarily and permanently dependent on either public cash assistance for income maintenance or institutional long-term care at the government's expense. Under the U.S. Immigration and Nationality Act, a noncitizen who is likely to become a public charge is generally not eligible to be admitted to the United States and ineligible to become a lawful permanent resident.

The previous administration sought to expand the definition of a public charge by declaring that the use of additional government programs constitutes grounds for such a determination, including the use of health care through federally-funded Medicaid, nutrition and food support through the Supplemental Nutrition Assistance Program (SNAP), and Section 8 housing assistance. Following successful litigation by Raoul and other states and municipalities invalidating the 2019 Rule, the federal government formally vacated the rule in March 2021.

[In today's comment letter](#), Raoul and the coalition assert that:

- Public charge policy should be consistent with its well-settled meaning, and Congress' subsequent expansion of public benefits.
- DHS should avoid chilling effects on public benefit usage when promulgating public charge policy.
- The 2019 Rule harmed and impeded public health responses to the pandemic, and DHS' exemptions related to COVID-19 were insufficient.
- The 2019 Rule interfered with the states' ability to provide effective economic relief during the COVID-19 crisis.
- DHS should seek to avoid unnecessary costs to state operations and agencies.
- Any benefits DHS considers in a public charge analysis should be limited, clearly identified and not undermine the interests of states in promoting public health and welfare.

Joining Raoul in the comments are the attorneys general of California, Colorado, Connecticut, the District of Columbia, Delaware, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.