

December 2025

MORE CHAOS: Public Charge in Trump 2.0

Comment campaign launch



ABOUT THE PIF COALITION



ACTIVE MEMBERS

- 800+ organizations
- 45 states

PIF MISSION

PIF is a national, multi-sector network that builds and leverages power to ensure immigrants and their families have equitable access to quality health care, nutrition, housing, public services and economic supports.



WORKING GROUPS

- Communications • Community Education •
- Federal Advocacy • Policy & Legal Analysis •
- Research • State Policy •

AGENDA

1. Public charge: The basics & current state of play

Esther Reyes, PIF

2. Comment campaign launch

Adriana Cadena, PIF

3. Why commenting matters

Sarah Grusin, National Health Law Program (NHeLP)

4. How to get involved

Alicia Wilson, PIF

Ed Walz, PIF

Benyamin Chao, California Immigrant Policy Center

5. Q&A



PUBLIC CHARGE

WHAT IS PUBLIC CHARGE?



- **When an immigrant applies for a green card (permanent residency),** their application is reviewed by government officials before they can obtain a legal status.
- “The public charge test” is part of this review by government officials - to see if an immigrant is **likely to primarily depend on the government for support in the future.**
- The public charge test is not part of all immigration applications.

WHO IS SUBJECT TO PUBLIC CHARGE?



APPLIES TO:

Immigrants applying for a family-based green card (lawful permanent residence) via DHS or a visa to enter the United States via DOS

DOES NOT APPLY TO:

- U.S. Citizens
- Citizenship applications
- Green card renewals
- Refugees/Asylees
- VAWA visas
- T/U visas
- SIJ visas
- DACA applications or renewals
- TPS applications or renewals
- Liberian DED eligible for LRIF

THE PUBLIC CHARGE TEST

- The public charge test looks at several factors and all of an immigrant's circumstances
- Use of benefits in the past is just one part of the larger test. Only two types of benefits are currently considered:
 -  **cash assistance** and
 -  **long-term institutionalization**
- An Affidavit of Support is also considered in support of an immigrant's application

Age	Education
Skills	Income or Assets
Employment	Health
Affidavit of Support	Certain Benefits Use

PUBLIC CHARGE: HISTORY & TIMELINE

Before Trump 1.0 *1999-2020*

Following longstanding guidance from 1999 and before

Only applicant's receipt of cash assistance for income maintenance or institutionalization for long-term care at time of application can be considered

Strong affidavit of financial support by sponsor often sufficient to satisfy public charge determination

Trump 1.0 *Feb 24, 2020- March 9, 2021*

Much more punitive rules go into effect, but few cases actually denied during this time

Extreme chilling effect; many immigrant families forego health care and food assistance

Biden administration *Dec 23, 2022 - present*

Policy similar to 1999 guidance, but with strengthened authority through rulemaking

Lingering chilling effects from Trump 1.0

PUBLIC CHARGE: CURRENT STATE OF PLAY

On November 19, the U.S. Department of Homeland Security (DHS) posted a new proposed rule on public charge, with comments due December 19. The proposal:

- Rescinds the 2022 DHS public charge rule (other than a small piece about bonds)
- Does not replace the 2022 policy with new language
- Does not formally rescind the 1999 public charge field guidance

The preamble describes the agency's intent to provide future "policy and interpretive tools" that would guide USCIS adjudicators as they use broad discretion. This creates opportunity for arbitrary and discriminatory decisions.

WHAT WE DON'T KNOW

Which benefits will be considered?

- The proposed rule removes the language limiting consideration of public benefits to receipt of cash assistance for income maintenance or long term institutionalization at government expense

Whose use of benefits will be considered?

- The proposed rule removes the definition of “receipt of public benefits” which explicitly states that applying for or receiving benefits on behalf of family members is not considered “receipt.”

Will past use of benefits be considered?

- The proposal states that forthcoming policy guidance will consider current or past use of any means-tested public benefit.



WHAT THIS MEANS FOR FAMILIES

- **CONFUSION**

- Lack of clarity on what benefits are safe and not safe to use

- **UNCERTAINTY**

- Lack of reassurance that family members' use of benefits won't be counted

- **HARM**

- The proposal estimates that government spending on programs would decrease by \$9 billion each year. Almost all of this impact will come from reduced use by US citizens and lawful permanent residents, especially children



2025 PUBLIC CHARGE: TIMELINE

Nov - Dec 2025

2026

Biden rule still in effect

Proposed rule published
with 30 day comment
period, closing 12/19/25

All submitted comments
reviewed and considered

Final rule likely to be
published and
implemented quickly

**Demonstrations of harm can support legal challenges to halt
implementation**

***COMMENT CAMPAIGN LAUNCH:
LET'S GO!!!!***

THANK YOU

Center on Budget and Policy Priorities

Center for Law and Social Policy

National Health Law Program

National Immigration Law Center

Shriver Center on Poverty Law

The Legal Aid Society

Urban Institute

PUBLIC CHARGE: OUR PLAN

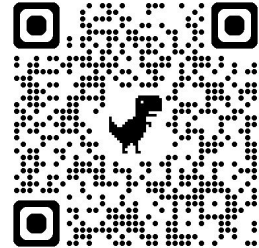
- ✓ Monitor and analyze the proposal and educate our members
- ✓ Inform the media about the potential impact
- ✓ Draft substantive comment templates
- ✓ Engage Congress
- ❑ Organize partners across sectors to comment
- ❑ Support litigation efforts

LET'S GET READY TO COMMENT!

Substantive comments with data, specifics are most helpful. Agencies must respond to individual comments and show their work. If they don't, it can give rise to a legal claim.

- **Detailed sector template:** Reflect the views and expertise that diverse sectors and organizations bring to the issue
- **Short template for service providers:** Highlight stories about the chilling effect of proposed changes, consequences of loss of benefits, and ways clients and agencies have relied on previous regulations
- **Organizational sign-on comment**
- **State/local officials comment template:** Contact Olivia Golden ogolden920@gmail.com

To access these comments:
pifcoalition.org/publiccharge



DETAILED TEMPLATE: 3 MAIN ARGUMENTS



1. Change from historic understanding of public charge
2. Chilling effect and deep harm to families and communities
3. Change to immigration system



Is your organization planning to submit a comment? Let us know here:

bit.ly/PIF-comment-pledge



WHY COMMENTS MATTER

- Administrative agencies must base their final regulations on the administrative record.
- The overarching goal for advocates when submitting public comments is to ensure that the administrative record:
 - identifies all important aspects of the problem
 - includes all the evidence and data that supports your position – experience matters too!
 - presents reasonable alternatives



[Guide: Building a Strong Administrative Record](#)

GET INVOLVED: EDUCATE YOUR COMMUNITY

Key Messages:

- Most people do not have to worry about public charge at all
- Some public benefits may be considered in the future, but for now, the Biden public charge rule is in place
- Public charge is not just about benefits



GET INVOLVED: COMMUNITY MESSAGING

Resources available in English and Spanish. More languages to come:

- Community Talking Points
- 3 Things You Need to Know
- Public Benefits Programs and Your Rights

PROTECTING IMMIGRANT FAMILIES
LA CARGA PUBLICA
3 COSAS QUE NECESITA SABER
Noviembre 2025

Algunas personas que solicitan una tarjeta verde o una visa para ingresar a los Estados Unidos tienen que pasar la prueba de "carga pública". En estos casos, los funcionarios de inmigración evalúan si la persona dependerá principalmente del gobierno para sostenerse en el futuro.

PROTECTING IMMIGRANT FAMILIES
PUBLIC CHARGE
3 THINGS YOU NEED TO KNOW
November 2025

Some people who apply for a green card or a visa to enter the U.S. must pass a "public charge" test. In those cases, immigration officials look at whether the person will mostly depend on the government for support in the future.

The Trump Administration has recently proposed a change to this test, but it is not in place yet. Three important things immigrant families need to know about public charge are:

1 MOST PEOPLE DO NOT HAVE TO WORRY ABOUT PUBLIC CHARGE AT ALL

- Public charge does not apply to everyone.
- If you already have a green card, or do not currently have a pathway to getting one, this does not affect you.
- Only people seeking a green card primarily through a family member or who seek to enter the US from outside the country may be subject to this test.
- Many immigrants, such as refugees and asylees, are exempt from a public charge test when they apply for a green card.

2 SOME PUBLIC BENEFITS MAY BE CONSIDERED

- As of November 19, 2025, the Trump administration has proposed ending the Biden public charge rule, but has not explained what will replace it. This makes it hard to know how officials will consider public benefits when they review a green card application in the future.
- For now, the Biden rule is still in place. Food, housing, and most healthcare programs are not considered.
- If you are currently receiving public benefits, stopping them now won't likely affect your public charge determination, but only you know what is best for your family's future.
- If you are applying for a green card, or may wish to apply in the future, consult your attorney.

3 PUBLIC CHARGE IS NOT JUST ABOUT BENEFITS

- Immigration officials must look at a person's circumstances as a whole, not just whether the person used government programs.
- This includes whether a family member or another person with enough income or resources has promised to support you. That "affidavit of support" and other positive factors can help even if you have used government programs in the past.

PROTECTING IMMIGRANT FAMILIES
PROGRAMAS DE ASISTENCIA PUBLICA Y SUS DERECHOS
Noviembre 2025

La gente se hace las mismas preguntas importantes:

¿CÓMO puedo utilizar solicitudes de familiares indocumentados?

- ICE tiene acceso a todos los beneficios. Hay intentando proporcionar beneficios a personas que no los tienen.
- Si algún miembro de la familia necesita los requisitos, la solicitud cor...

Encuentre más información sobre estas preguntas en este código QR

PROTECTING IMMIGRANT FAMILIES
PUBLIC BENEFITS PROGRAMS AND YOUR RIGHTS
November 2025

The Trump administration and Congress have taken actions that hurt many immigrant families. These include sending immigration agents into our neighborhoods, government budget cuts, and new rules that make people afraid to ask for the help they need. This is a scary and stressful time for many families. Many of us are asking the same questions:

How can I protect my family right now?

Prepare your family in case someone is detained by immigration officers.

- Always carry a "Red Card," and take part in a "Know Your Rights" training.
- Make a family plan that includes designating a temporary guardian for children and how to transfer their benefits information.

Can we still use programs like SNAP and Medicaid?

- Congress and the White House have changed access to several programs, such as SNAP (food assistance) and Medicaid (health care).
- Some, but not all changes have started. They will take effect between now and 2025.
- Many programs will only be available to citizens, green card holders, and a few groups. You can find more details in the QR Code on the next page.

Will using public benefits hurt my application for a green card?

- In the future, it could. A proposed rule change by the Trump administration makes it hard to know how officials will apply the "public charge" test. Using benefits programs may be one of several factors they'll use.
- For now, the Biden rule is still in place. Food, housing, and most healthcare programs are not considered.
- If you are currently receiving public benefits, stopping them now won't likely affect your public charge determination, but only you know what is best for your family's future.
- The public charge test primarily applies to people seeking a green card through a family member.
- All cases are different. You can find more details in the QR Code on the next page.

GET INVOLVED: MEDIA OUTREACH



EFE:



POLITICO



La Opinión

FOR IMMEDIATE RELEASE

December 19, 2025

CONTACT
NAME, EMAIL, PHONE

**TRUMP ADMINISTRATION POLICY MEANS CHAOS AND
BIAS FOR AREA FAMILIES, TYPE OF ADVOCATES WARN**

ORGANIZATION HOME CITY, STATE — ORGANIZATION submitted a comment Friday, opposing the U.S. Department of Homeland Security (DHS) proposal to rescind current regulations concerning administration of federal immigration law's "public charge" provision applicable to lawfully present immigrants applying for "green cards." The comment, coordinated by the national Protecting Immigrant Families coalition, was co-signed by NUMBER organizations nationwide and warns that the proposal opens the green card review process to arbitrary denials and political bias, creating confusion that threaten the health and wellbeing of STATE families and communities.

This proposal is a direct assault on lawfully present immigrants and U.S. citizens, imperiling immigrant families, and a threat to our state's health and economic security. We know that our state's congressional delegation cannot allow this. We know that this is a direct assault on lawfully present immigrants and U.S. citizens, imperiling immigrant families, and a threat to our state's health and economic security. We know that our state's congressional delegation cannot allow this.

While current policy requires DHS to consider the public charge of an individual, the proposal would result in DHS employing a secret public charge policy for "green card" applications," the comment reads.

The proposal constitutes a threat to the nation's health and economic security because of its potential impact at scale. Importantly, immigrant families account for about 28% of the US population, and about half of the people in immigrant families are U.S. citizens — mostly children. A related Trump public charge regulation implemented in February 2020 was ruled illegal by a federal court and struck down in March 2021. While the 2020 regulation's technical application was limited to a small number of lawfully present immigrants applying for green cards, the deterrent "chilling effect" was much broader. This chilling effect resulted from misinformation and disinformation by the administration, leading millions of lawfully present immigrants and U.S. citizens to avoid seeking help and care for which they qualified under federal law.

SIGN-ON COMMENT

December 19, 2025

NAME EMAIL PHONE

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This proposal is a direct assault on lawfully present immigrants and U.S. citizen immigrant families, and a threat to our state's health and economic future. **SPOKESPERSON, TITLE** at **ORGANIZATION**. "We know that our state's congressional delegation proposal is a direct assault on lawfully present immigrants and U.S. citizen immigrant families, and a threat to our state's health and economic future."

SIGN-ON COMMENT

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DATE _____

NAME, EMAIL, PHONE

TRUMP ADMINISTRATION PROPOSAL PUTS **THING WE LIKE**
AT RISK. **TYPE OF** ADVOCATES WARN

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QUOTE UNDERSCORING THE MAIN POINT OF YOUR COMMENT, said SPOKESPERSON TITLE at ORGANIZATION.

TEMPLATE COPY

QUOTE UNDERSCORING POLICY
said SPOKESPERSON LAST NAME

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QUOTE ABOUT IMPACT CONCERNS RAISED IN YOUR COMMENT, said SPOKESPERSON
LAST NAME

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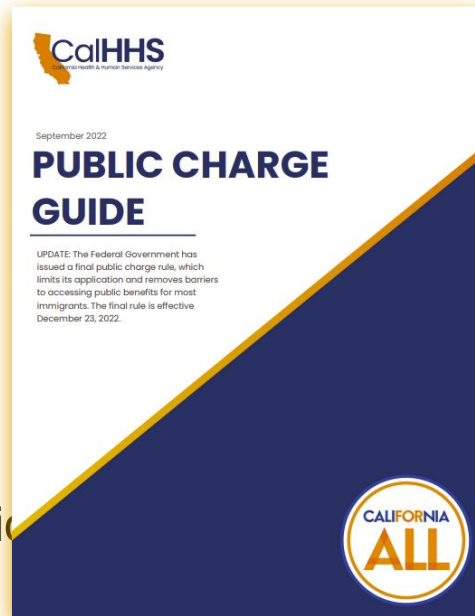
GET INVOLVED: MEDIA OUTREACH

ed@pifcoalition.org

- Questions (yours or reporters')
- Spokespersons
- Social amplification
- Additional opportunities

GET INVOLVED: STATE LEVEL ADVOCACY

- Strengthen PIF's public comment strategy by creating a sign-on for your state and circulating template comment resources.
- Engage state and local benefits-granting agencies to provide clear information to communities and eligibility workers.
- Educate statewide and local audiences about the impact of public charge and public benefits eligibility in your state.



TAKEAWAYS

- This proposal is about chaos, uncertainty and bias.
- The Trump Administration and Congress have taken actions that hurt many immigrant families.
- Our coalition was built for this. Every effort counts in this moment.



Q & A

THANK YOU

...and don't forget to join our working groups for updates and resources!