



CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services

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**Message to CHFS Staff and Assisters about the “Public Charge Rule” -
April 3, 2020**

A federal rule change effective Feb. 24, 2020, will make it harder for some immigrants who use public benefits - including Medicaid, food benefits, child care assistance and welfare assistance to get their green cards. Known as the “public charge rule,” it says that any immigrant who has received or is likely to receive most public assistance may be denied permanent U.S. residency. This will only apply to applications and petitions submitted on or after Feb. 24, 2020. This may affect many of the individuals and families we serve at the Cabinet for Health and Family Services.

There are many misunderstandings about the rule that may keep vulnerable Kentuckians from seeking help even if they are in the United States lawfully, are eligible for assistance and their immigration status would not be affected by getting assistance. Our mission at the Kentucky Cabinet for Health and Family Services is to deliver quality services to enhance the health, safety and wellbeing of all people in the Commonwealth of Kentucky. We are all stronger when everybody can live with greater security and dignity. This often means people getting the help they are entitled to under the law. We must not discourage Kentuckians from getting needed benefits based on misunderstandings.

Here are some things you need to know and can share with concerned families.

- The public charge rule does not affect people who are already citizens or who are in the process of applying for citizenship. Current Lawful Permanent Residents (green card holders) are only impacted if they leave the U.S. for more than 180 days and need to be approved for readmission. The public charge test also does not apply at the time of green card renewal. Service providers should encourage citizens or green card holders to get benefits they need and are eligible for.
- Children who will apply for green cards themselves may be subject to the rule. However, children’s receipt of Medicaid up until the age of 21 will not be held against them.
- Certain types of immigrants are exempt from the rule, including:
 - Refugees and asylees
 - Special Immigrant Visas (SIVs)
 - Cuban and Haitian entrants
 - U-visa and T-visa recipients

- VAWA
- Special Immigrant Juveniles (SIJS)
- and some others

Eligible individuals who have or are seeking status only in one of these categories can and should continue receiving benefits that they are eligible for.

- The rule counts use of:
 - Cash benefits (Kentucky Transitional Assistance Program/KTAP)
 - Supplemental Nutrition Assistance Program food benefits (SNAP)
 - Medicaid (except for emergency Medicaid, and coverage for pregnant women and children under 21)
 - public housing
 - Section 8 housing vouchers
- The use of the following types of Medicaid will NOT be held against an immigrant in a public charge determination:
 - Emergency Medicaid (or Time-Limited Medicaid)
 - Medicaid coverage for pregnant women (including benefits received 60 days post pregnancy)
 - Medicaid coverage for children under age 21
- Use of other benefits such as the following are NOT considered for public charge determinations:
 - Women, Infants, and Children benefits (WIC)
 - School meals
 - Low Income Home Energy Assistance Program (LIHEAP) energy assistance
 - Affordable Care Act (ACA) Marketplace coverage
- Staff should also keep in mind Kentucky Division of Family Support (DFS) policies:
 - Program eligibility for non-Citizens (MS 1570, 1575, 1577-1579, 2150, 2152, 2160, 2162)
 - Verifying eligibility for benefits
 - DFS Operation Manual MS 0210 and 0230, which detail the help that must be provided to those who are not fluent in English or illiterate.

In no case should staff or assisters discourage individuals from getting benefits. Remember that every case is different, and only some immigrants are directly affected. For uncertainties or complicated cases, service providers should encourage individuals to see an immigration attorney. Individuals can use the directory of immigrant-focused legal services available here as a resource: immigrationadvocates.org/nonprofit/legaldirectory/.

There are some other materials and community-facing resources to help address these concerns, including Protecting Immigrant Families Campaign Website. Printable fact sheets are available in several different languages at <https://protectingimmigrantfamilies.org/know-your-rights/>.

CHFS Leadership will keep you informed about this rule. While it has taken effect, litigation efforts are ongoing and things could change.

Thank you for your dedicated service and continued partnership as we support the diverse communities of Kentucky.