



## BREAKING NEWS: Public Charge Rule Moves Forward

Yesterday evening, the US Department of Homeland Security (DHS) released its long-rumored proposed regulation related to the public charge test. The proposed rule significantly expands the public charge test to punish immigrants for accessing a wide range of federal programs, including SNAP and Medicaid. However, **WIC is not listed in the proposed rule**. The proposed regulation is therefore narrower than the leaked drafts that were published in news outlets this past spring. While NWA staff continue to analyze the proposed rule, here are some key insights:

- **The changes are not immediately effective.** The proposed regulation would not become legally effective until 60 days after a final rule is issued. A final rule cannot be issued until after a 60-day comment period, which is likely to last until after Thanksgiving. Therefore, we are not expecting this rule to be finalized until at least December 2018 or even into 2019.
- **WIC participation will not impact an immigrant's legal status.** Despite leaked drafts in the spring, the proposed regulation does not include any provision that would penalize an immigrant for accessing WIC benefits – either in a personal capacity or on behalf of a dependent child.
- **DHS is still considering whether additional programs should be included in public charge.** Even though WIC is not included in the proposed regulation, DHS is actively soliciting public comment on whether other programs should be considered in public charge determinations. The WIC community must continue to make the argument that WIC should not be included in public charge.
- **SNAP, Medicaid, and housing subsidies are included in the proposal.** Although WIC is not included in the proposed regulation, many programs that WIC families access are implicated. The public charge rule will continue to have a significant negative impact on the health and food security of WIC families.
- **The rule does not apply to all immigrants, consistent with prior drafts.** The public charge rule does not apply to certain groups of immigrants, namely: those applying for citizens in a naturalization proceeding; undocumented individuals; and certain groups of humanitarian immigrants (refugees, asylees, Violence Against Women Act self-petitioners, Temporary Protected Status, etc.).
- **The rule is *not* retroactive.** Immigration officials will not consider use of benefits that predates the rule's applicable date. Therefore, those who are accessing affected programs now are not likely to be penalized in a public charge determination for their current use.

NWA will continue to update members on the public charge rule as we enter the comment period. Thank you for your continued commitment to this program and all of the families that we serve.

*NWA's mission: The National WIC Association provides its members with tools and leadership to expand and sustain effective nutrition services for mothers and young children.*