

January 20, 2022

**ATTORNEY GENERAL RAOUL CALLS ON STATE DEPARTMENT TO FORMALLY WITHDRAW
OUTDATED PUBLIC CHARGE REGULATION**

Chicago — Attorney General Kwame Raoul today joined a coalition of 21 attorneys general in a comment letter urging the U.S. Department of State (DOS) to formally withdraw its outdated public charge regulation, which replicated the now-defunct rule previously put forward by the U.S. Department of Homeland Security (DHS) in 2019. The regulations unlawfully attempted to target immigrants and their families by turning the use of basic health, nutrition, and housing programs into barriers to lawful admission to the United States, which, as a result of the fear and confusion caused by the regulations, led to a broader chilling effect on the use of these important programs.

In the comment letter, Raoul and the coalition highlight the substantial harms caused by the regulations put forward by the previous administration and applaud the federal government's current efforts to rescind the subsequent DOS iteration of the public charge rule.

"The outdated public charge regulation unlawfully targets immigrants and their families and prevents them from accessing basic services," Raoul said. "I urge the federal government to withdraw this harmful rule. I will continue to work to protect the rights of immigrants and ensure discriminatory policies like this do 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 inadmissible 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 Medicaid, nutrition and food support through the Supplemental Nutrition Assistance Program, and Section 8 housing assistance. In order to enact these changes, the federal government put forward a formal regulation through the DHS and DOS, then took steps to adopt a similar rule.

However, following court decisions across the country blocking the 2019 DHS rule, the federal government formally vacated it in March 2021. Given this significant change in circumstances, the DOS is now taking steps to reconsider its adoption of the 2019 public charge rule, especially in light of DHS' expressed intent to develop new regulations. Importantly, the federal government's current rulemaking efforts appear to recognize that the health and safety of all communities are interconnected, particularly in the midst of the ongoing COVID-19 pandemic. In contrast, the fear and confusion caused by the previous regulations hindered the states' abilities to administer critical public health services, and interfered with state laws and policy choices to encourage broad-based access to public programs that protect the most vulnerable communities against public health threats like COVID-19.

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