



COLORADO

Governor Jared Polis

February 21, 2020

Dear Stakeholders and Community Partners,

Over the last several months, the federal government has pursued changes to public charge regulations, which will have impacts on community members and families with certain immigration statuses here in Colorado. Misunderstanding about these changes has and can result in individuals and families declining or not receiving critical assistance for which they are eligible. There are resultant impacts to our systems of care, provider networks, and Coloradans themselves, and we at the State of Colorado want to minimize these impacts by ensuring stakeholders, partners and communities have access to information. **We are a stronger Colorado when all of our residents have access to critical programs that support a healthy community, and we must not discourage the enrollment of individuals in our programs based on misunderstandings.**

The public charge test applies during the determination of admissibility in specific immigration proceedings and looks at whether an applicant is likely to use certain government services in the future. While the public charge test itself has existed for some time, the [new rule](#) expands the government programs considered under the public charge determination. These government programs support vital needs, such as food security and access to healthcare, and individuals subject to a public charge determination may otherwise meet eligibility criteria, including lawful presence and work and income requirements. The Department of Homeland Security announced recently that this new rule will take effect on **February 24, 2020**.

Although there are ongoing legal challenges to validity of the new rule, as of today, Coloradans' utilization of public benefits will be considered, in totality with other factors (such as income), as part of the public charge determination in certain immigration applications postmarked on or after February 24, 2020.

We hope that this letter and attached resources assist in combating misconceptions, and we ask that stakeholders commit to educating staff and community members.

Here are some key facts:

- The rule applies to people who are seeking lawful permanent residency (LPR or green cards) or admission to the United States. It does not apply to those applying for citizenship.



- Benefits used by family members will not be counted in green card/legal permanent resident applications in most circumstances; only the individual's own use of benefits will be considered. Eligible children can continue receiving benefits consistent with state and federal law, regardless of the immigration status of their parents. Children who may someday apply for green cards themselves may be subject to the rule, but their receipt of Medicaid while they are under the age of 21 will not be held against them.
- Certain classes of immigrants continue to be exempt from public charge considerations, including refugees, asylees, U-visa or T-visa recipients, VAWA, Special Immigrant Juveniles (SIJS), and some others.
- Emergency Medicaid, Medicaid for pregnant women, including 60 days after the pregnancy, and Medicaid coverage for children under age 21 are not considered.
- The rule, as currently outlined, will only count use of cash benefits such as Colorado Works, SNAP or Food Assistance, Medicaid (except for emergency Medicaid, and coverage for pregnant women and children under 21), federal public housing, and housing vouchers (Section 8/Housing Choice Vouchers, and Continuum of Care). Use of other benefits such as WIC, CHP+, school meals, energy assistance (LEAP) and ACA Marketplace Coverage are not considered.
- The rule will not be applied retroactively. The rule will only be applied to applications and petitions postmarked, or submitted electronically, on or after February 24, 2020. Medicaid, SNAP and housing assistance that individuals and families received prior to February 24, 2020 will not be taken into consideration.
- Public charge determinations will look at a totality of factors. This includes use of public benefits, as well as age, health, income, assets, resources, education/skills, family members they support, and family who will support them.

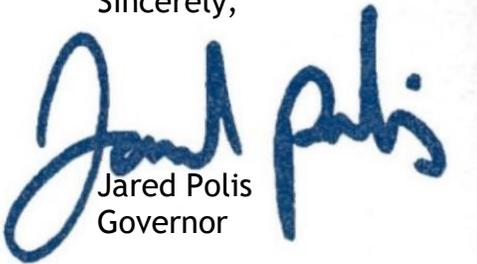
There are some other materials and community-facing resources to help address these concerns, attached, and on the Colorado Department of Human Services [website](#). Please utilize the attached desk aids to help you and your colleagues understand the new rule, and the community fact sheet to help educate your customers, patients, and community members. The community fact sheet will soon be available in several different languages on the [website](#).

We hope that this information assists all our partners, including eligibility sites at county human services departments and community-based healthcare centers, deliver and maintain services essential to our collective health and wellness. We encourage our partners to educate families and individuals so that community members receive the support they need and to continue to build partnerships with community resources to support our goals of a healthy Colorado.

Cases that involve the public charge rule can be complicated; partners and staff should encourage individuals to seek legal counsel if they have questions. Individuals can access legal resources for immigration needs at [accredited organizations and representations](#) or through [immigration lawyers](#).

Thank you for your continued partnership.

Sincerely,

A handwritten signature in blue ink that reads "Jared Polis". The signature is stylized and cursive, with the first name "Jared" and the last name "Polis" clearly visible. The signature is positioned to the right of the typed name and title.

Jared Polis
Governor