

April 28, 2022

ATTORNEY GENERAL RAOUL APPLAUDS FEDERAL EFFORTS TO REVISE PUBLIC CHARGE REGULATIONS

Chicago — Attorney General Kwame Raoul, as part of a multistate coalition of 21 attorneys general, applauded the U.S. Department of Homeland Security's (DHS) current efforts to revise public charge regulations that unlawfully target immigrants and their families. In the comment letter, Raoul and the coalition called for swift action to undo the sweeping harms of the former administration's regulations on states across the country.

According to Raoul and the coalition, DHS' proposed rule is consistent with applicable law and will support states' efforts to protect the health, safety and well-being of immigrant families and all residents.

"The targeting of immigrants and their families with policies like the 2019 Public Charge Rule was unlawful and discriminatory," Raoul said. "I am committed to continuing my office's work to protect the rights of all Illinois residents regardless of immigration status."

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 accessing health care through federally-funded Medicaid, nutrition and food support through the Supplemental Nutrition Assistance Program, and Section 8 housing assistance. The federal government formally vacated the rule in March 2021 following court decisions across the country blocking it. DHS' current rulemaking is part of an ongoing effort to reverse the harms of the now-defunct rule, which burdened states with additional health care costs and undermined public health and the economic well-being of states' residents.

[In the comment letter](#) the coalition, building on [previous efforts](#) notes:

- The proposed rule is consistent with the well-settled meaning of public charge.
- The states encourage DHS to exclude consideration of state benefits from any public charge determination.
- The proposed rule will ameliorate unwarranted chilling effects on public benefit use.
- The proposed rule will allow states to better respond to COVID-19 and future public health emergencies.
- The proposed rule will support the overall well-being of state residents and reduce unnecessary costs to state operations and agencies.

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.