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DEC Statement on DHS Public Charge Final Rule

The Diverse Elders Coalition (DEC) strongly condemns the Department of Homeland Security's (DHS) decision to rescind the [2022 Public Charge rule](#), dramatically expanding the authority of immigration officials to deny green card applications for lawfully present immigrants due to any perceived "reliance" on public benefit programs. As written, the new rule — which is unchanged from the Trump administration's proposed rule issued last November to which DEC submitted a [public comment](#) — affords officials sweeping authority to include critical services like Medicaid and SNAP in their determination of whether to grant a green card. In other words, the final rule does not include a list of programs that can — or cannot — be considered in determining whether a noncitizen is likely to become a public charge. The regulation also allows an officer to consider "all relevant factors" without providing a regulatory definition, meaning the outcome of an immigration case will likely be left up to the arbitrary, and potentially discriminatory, whims of an individual official. The affected individuals are those that have migrated legally, abided by every applicable law, but now may be denied for actions they have not yet taken. This decision undermines the fairness and predictability of the immigration system, which should be the foundational tenants of the process.

The DEC represents the 25% of the United States' 57.8 million adults aged 65 or older. Many of these individuals, and their families and caretakers, rely heavily on the programs implicated in this rule. The DEC is deeply concerned the regulation will have an even more profound chilling effect on those who, while lawfully able to access these programs, will choose not to due to a fear of jeopardizing their or their family members' immigration status—which was widely documented following the Trump administration's 2019 public charge rule just prior to the onset of the COVID-19 pandemic. Despite facing disproportionate hardships throughout the pandemic, more than 1 in 5 adults in low-income immigrant families [reported](#) they or a family member avoided non-cash benefits or other assistance with basic needs because of green card



or other immigration concerns. Every person who disenrolls from vital services based solely on fear will experience preventable harm.

In light of unprecedented federal resources for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) without commensurate safeguards to ensure transparency and accountability, the focus should be on providing more clarity, not less, on public charge applicability. The DEC will continue to advocate for strengthening — not undercutting — vital social services for immigrant and diverse communities.