



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

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Dear Stakeholders, Media and Other Partners,

The federal government recently put forth a change to the public charge regulation which can affect an individual's immigration status. Unless the regulation is changed or blocked by litigation, it will take effect on October 15.

As I have learned in community meetings around the state, there are many harmful misunderstandings regarding the rule. These misunderstandings deter individuals from seeking help even though they are in the United States lawfully, they are eligible for assistance, they will benefit from assistance, and their immigration status will not be affected by getting assistance.

We are all stronger when human beings can live with greater security and dignity by getting the help they are entitled to under our laws. We must not discourage individuals from getting benefits based on misunderstandings. Here are key facts that we have shared with our staff and I would like to share with you as well:

- The rule does not affect individuals who are already citizens or who are in the process of applying for citizenship. Lawful Permanent Residents (green card holders) are only affected if they will leave the U.S. for more than six months and need to be approved for readmission. The public charge test also does not apply at the time of green card renewal. Individuals who are citizens or green card holders should be encouraged to get benefits they need and are eligible for.
- The rule does not count receipt of benefits by family members against applicants for green cards. Eligible children can and should continue receiving benefits consistent with state and federal law, regardless of the immigration status of their parents. Children who will apply for green cards themselves may be subject to the rule, but their receipt of Medicaid will not be held against them.
- The use of emergency Medicaid, Medicaid coverage for pregnant women and Medicaid coverage for children under age 21 will not be held against an immigrant in a public charge determination.
- The rule contains other important exempt categories, including refugees, asylees, U-visa or T-visa recipients, VAWA, Special Immigrant Juveniles (SIJS), and some others. Individuals who have or are seeking status in these categories can and should continue receiving benefits consistent with state law.
- The rule only counts use of cash benefits, SNAP, Medicaid (except for emergency Medicaid, and coverage for pregnant women and children under 21), public housing, and Section 8. Use of other benefits such as WIC, school meals, energy assistance and ACA Marketplace Coverage are not considered for public charge determinations.

- Staff should also keep in mind MDDHS policies: program eligibility for non-citizens ([BEM 225 -Citizenship-Alien Status](#)); verifying eligibility for benefits ([BEM 223 - Social Security Numbers](#)); and pages 15-18 in [BAM 105](#), which detail the help that must be provided to those who are not fluent in English or illiterate.

For uncertainties or complicated cases, staff should encourage individuals to see an attorney. Individuals can use the [directory of immigrant-focused legal services](#) that is available in Michigan as a resource. **In no case should our staff discourage individuals from getting benefits.**

There are some other great materials and [community-facing resources](#) to help address these concerns, including the Protecting Immigrant Families Campaign Website. Printable fact sheets are available in several different languages at <https://protectingimmigrantfamilies.org/know-your-rights/>.

Thank you for your continued partnership as we serve the diverse communities of Michigan.

Best,

Robert Gordon
Director
Michigan Department of Health and Human Services