CQ NEWS
Mar. 17, 2020

USCIS: Coronavirus care won't count under public charge rule

March 16, 2020; Updated March 17, 2020 – 3:34 p.m. By Camila DeChalus, CQ

U.S. Citizenship and Immigration Services said immigrants who undergo medical testing for the coronavirus or treatment related to it will not be penalized when applying for green cards or visas under the newly enacted public charge rule.

USCIS said it encourages anyone with symptoms that resemble coronavirus or COVID-19, the disease it causes, to seek necessary medical treatment or preventive services. “Such treatment or preventive services will not negatively affect any alien as part of a future public charge analysis," the agency said in guidance it released late Friday.

"To address the possibility that some aliens impacted by COVID-19 may be hesitant to seek necessary medical treatment or preventive services, USCIS will neither consider testing, treatment, nor preventative care (including vaccines, if a vaccine becomes available) related to COVID-19 as part of a public charge inadmissibility determination," the agency continued.
Immigration advocates and Democratic lawmakers had been pushing for the Trump administration to suspend the public charge rule altogether because of the coronavirus pandemic. The rule, which critics have branded as a wealth and health test, withholds green cards or visas from immigrants who use or are deemed likely to rely on food stamps, Medicaid and other public benefits intended to provide a safety net for the poor.

But Rep. Pramila Jayapal, D-Wash., hailed the USCIS announcement as "a huge win for immigrants, public health and everyone."

Last week, she said that Ken Cuccinelli, acting deputy secretary of the Department of Homeland Security, had assured several lawmakers in a closed-door meeting that the public charge rule criteria would not be applied to those seeking coronavirus-related treatment.

Rep. Norma J. Torres, D-Calif., who had repeatedly pressed the Trump administration to suspend the public charge rule during the pandemic, also praised the announcement.

"I see this as a signal from the USCIS that they recognize that American lives potentially are at risk due to this public charge rule," she told CQ Roll Call on Monday.

"We have to encourage people to come forward," said Torres, who represents a district with many "mixed-status" families. "I want to make sure that everyone in the household that might have been in contact with somebody that has been infected with coronavirus is able to get tested and get treatment."

Rep. Joaquin Castro, the Texas Democrat who chairs the Congressional Hispanic Caucus, gave a more measured response. He called the USCIS decision "an important first step" but urged the Trump administration to go further.

"COVID-19 does not differentiate between the wealthy and poor or immigrants and citizens – therefore, we must close any gaps in our health system so that everyone has the same access to care right now," he said in a statement. "USCIS' public charge exception is not enough. As long as the public charge rule is being implemented, many immigrant families will still be scared to seek care. In order to fully protect public health, the federal
government should withdraw Trump’s public charge so that no one fears seeking medical treatment of any kind during this crisis.”

Advocacy groups expressed skepticism about the development.

“While a welcome change during this acute crisis, it only highlights what USCIS itself acknowledged when it published the rule in the first place: that it will jeopardize public health and deter people from accessing necessary medical care in the future,” Tom Jawetz, vice president of immigration policy at Center for American Progress, said in a statement Monday.

The public charge rule went into effect last month after a Supreme Court ruling allowed it to proceed.

*First posted March 16, 2020 2:30 p.m.*

**Clarification**

This report was revised to explain that the public charge rule applies to green card and visa applicants.

**Tagged:** Citizenship, Coronavirus, Illegal Immigration, Immigration