

# Biden stops defense of rule that put immigrants' health at risk

MAR 18, 2021

**Kevin B. O'Reilly**

News Editor

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**What's the news:** The Department of Homeland Security (DHS) announced that the government will no longer be defending the 2019 “public charge” rule. The U.S. Department of Justice also has dismissed its pending appeals in the Supreme Court and 7th U.S. Circuit and is in the process of dismissing its appeal in the 4th U.S. Circuit.

Following the 7th U.S. Circuit dismissal, the final judgment from the Northern District of Illinois—which vacated the 2019 public charge rule—went into effect. As a result, the 1999 interim field guidance on the public charge inadmissibility provision is now in effect.

This means that an immigrant's receipt of Medicaid, except for Medicaid for long-term institutionalization, is not grounds to deny them a green card.

**Why it's important:** Briefs from the Litigation Center of the American Medical Association and State Medical Societies told the courts that the rule “dramatically increases the likelihood that lawfully present immigrants and their families will forego health and nutrition benefits to avoid negatively impacting their immigration status.” The AMA Litigation Center joined state medical societies and medical specialty societies in filing briefs in a number of cases challenging the controversial rule.

The Trump policy gave the government more leeway to deny visas or green cards for legal immigrants. DHS previously defined a public charge as someone who would likely become primarily dependent on the government, receive cash assistance or become institutionalized in a government-funded long-term care facility.

The 2019 rule expanded the definition of “public benefits” to include health, nutrition and housing programs, including nonemergency Medicaid for nonpregnant adults and the Supplemental Nutritional Assistance Program known as SNAP. It also limited how many public benefits an immigrant could get before being deemed a public charge.



**Learn more:** The DHS has formally removed the public charge policy through a new rule published in the *Federal Register* March 15.

The AMA is pleased to see this rule—which caused individuals to avoid seeking much needed health care—be vacated. This change aligns with the advocacy that the AMA has been engaging in since 2018.

Find out more about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center's case-selection criteria.