

WorkSource Information Notice (WIN)

Employment System Administration and Policy

☐ Policy-related | ☐ Fiscal | ☐ Performance | ☐ Q&A | ☒ Other

Number: WIN 0097, Change 1

Date: October 14, 2019

Expiration Date: N/A

TO: Workforce Development System Partners

FROM: Gary Kamimura, Policy Manager

SUBJECT: Federal Public Charge Rule/Test and WIOA (One-Stop) System Services

Purpose:

To make WIOA (one-stop) system partners and staff aware of the U.S. Department of Homeland Security's (DHS) final rule on the public charge test, which is expected to take effect October 15, 2019 and to clarify the impact it has on individuals who reside in the United States, are applying for lawful permanent residency or admission, and are engaged in or seeking to engage in WIOA (one-stop) system services in Washington.

Change 1: On October 11, 2019, federal judges for the U.S. District Courts for the southern district of New York and eastern district of Washington issued nationwide preliminary injunctions blocking DHS from implementing its revised public charge test rule on October 15, 2019. Because these are only preliminary injunctions, the federal courts will still need to issue a final determination in the future, at which time a Change 2 to this WIN will be issued.

Action Required:

Local Workforce Development Boards and their contractors, as well as Employment Security Regional Directors, must distribute this guidance broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

Change 1: It is important that one-stop system staff, including UI staff, understand and communicate to one-stop system customers and claimants who may have questions or concerns that this public charge test rule is temporarily blocked and that individual program expenditures and UI benefits would not apply to the revised public charge test regardless.

Content:

DHS will issue a revised rule on *public charge tests* on October 15, 2019. Public charges are individuals who are or are likely to become primarily reliant on government benefits and assistance programs for survival. Public charge tests are an element of applications for lawful permanent residency (green cards) or admission to the United States and factor into DHS application, re-entry, and deportation determinations.

The current public charge test counts the following:

- Federal, state, local and tribal cash assistance for income maintenance
- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

Under the revised rule effective October 15, 2019, the public charge test will additionally count:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Section 8 Housing Choice Vouchers
- Section 8 Project-Based Rental Assistance
- Public Housing

Benefits not explicitly cited in the rule are excluded from the public charge test. Employment and job training benefits are not cited in the rule change, which means that individual expenditures on participants in WIOA (one-stop) system programs do not count toward public charge tests. It is important that one-stop system staff understand and communicate this information to current and prospective participants who have questions or concerns about one-stop program participation because of the perceived impact on their public charge tests.

Because of their respective connections to TANF and SNAP, it is also important to note that individual expenditures on participants in the WorkFirst and Basic Food Employment and Training (BFET) programs do not count toward public charge tests either, though direct TANF and SNAP assistance does.

Additionally, unemployment compensation, though often called a (UI) *benefit*, is an entitlement and, therefore, not included in public charge tests. This extends to state Training Benefits as well as future federal or state extended, emergency, or disaster unemployment compensation introduced. It is important that one-stop system staff, which includes UI staff, also understand and communicate this information to current and prospective claimants who may have questions or concerns about remaining on or applying for unemployment compensation because of the perceived impact on their public charge tests.

Similarly, benefits claimed by workers under the state's Paid Family and Medical Leave (PFML) program, which is an insurance program, are also not included in public charge tests.

One-stop system staff (and customers) who have other questions or concerns regarding the change in the federal public charge rule should refer to community resources identified in the Governor's Office memo (see below).

References:

- [Federal Register, Volume 84, Number 157, August 14, 2019, pages 41292-41508](#); U.S. Citizenship and Immigration Services, Department of Homeland Security Final Rule; Inadmissibility on Public Charge Grounds under 8 CFR Parts 103, 212, 213, 214, 245 and 248.
- [Governor's Office Memorandum: Public Charge: Core Messages for Communicating with Stakeholders, Staff, and the Public.](#)

Website:

<https://wpc.wa.gov/policy/state/guidance>

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Attachments:

None.