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NEWS FOR IMMEDIATE RELEASE

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Wisconsin DOJ Sues to Block Trump Administration's Public Charge Rule

MADISON, Wis. — The Wisconsin Department of Justice (DOJ) today joined a coalition in suing to halt the Trump administration's new public charge rule, which would allow immigration officials to punish lawful immigrants for use of public benefits they are lawfully entitled to. The new Department of Homeland Security (DHS) policy would give immigration officers broad discretion to deny green cards based on even minimal use of public benefits by their families, including for U.S. citizen children. The coalition is asking the U.S. District Court for the Southern District of New York (SDNY) to declare this rule unlawful.

"Like so much of the Trump administration's approach to immigration, this rule would foster fear and uncertainty rather than a more coherent, consistent system," said AG Kaul. "The Trump administration should be stopped from moving forward with this reinterpretation of the public charge provision."

A "public charge" means a person who is likely to become primarily dependent on the government for long-term subsistence. In 2022, the federal government issued a rule limiting what would deem someone a public charge to cash assistance for income maintenance or long-term institutionalization at government expense. The Trump administration's new rule, taking effect September 18, would let immigration officers count nearly any means-tested public benefit, used for any length of time, against an applicant. This includes benefits legally used by family members whom the applicant is legally obligated to support, even if the family member is a U.S. citizen. There is no clear limit on which benefits, or how much use, count against an applicant, leaving families to guess which forms of assistance might put their immigration status at risk.

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The coalition asserts that the Trump administration has acknowledged that the fear and confusion created by the new rule would cause immigrant families to disenroll from benefits to which they are legally entitled. DHS estimates that disenrollment or forgone enrollment resulting from the new rule could reduce federal Medicaid and CHIP transfer payments to the states by approximately $4.05 billion annually and federal SNAP transfer payments by approximately $1.02 billion annually.

The coalition argues that the disruption will not stop with families who disenroll from public benefits. When people lose access to health coverage, they delay care and turn to emergency rooms instead, straining hospitals and community health centers, and raising costs for everyone. Schools risk losing automatic certification for free and reduced-price meal programs when SNAP and Medicaid enrollment drops below required thresholds, cutting off meals for eligible students regardless of income or immigration status. Federal Title I education funding is also likely to fall if student enrollment in benefits decreases. Reduced participation in SNAP can also harm local businesses that depend SNAP recipients' business.

The coalition argues that the new rule violates the Administrative Procedure Act because it is arbitrary and capricious, exceeds DHS's statutory authority, and departs from the longstanding meaning of the public charge provision established by Congress.

The coalition is asking a federal judge to declare the 2026 public charge rule unlawful and vacate it, protecting states and their residents from its unlawful harms.

Joining Wisconsin DOJ in filing this lawsuit are the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia, as well as the governor of Pennsylvania. The lawsuit was filed alongside a coalition of cities and counties led by the City of New York.

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