



# PUBLIC CHARGE: GETTING THE HELP YOU NEED

## UPDATED AUGUST 2019

### WHAT IS PUBLIC CHARGE?

“Public charge” or the “public charge test” is used by immigration officials to decide whether a person can enter the U.S. or get a green card (lawful permanent resident or “LPR” status). In this test, officials look at all of a person’s circumstances, including income, employment, health, education or skills, family situation and whether a sponsor signed a contract (“affidavit of support”) promising to support the person. Officials can also look at whether a person has used certain benefit programs (in the past, only cash assistance and long-term care were counted).

### CHANGES TO PUBLIC CHARGE

The government is changing how it makes public charge decisions. Immigration officials will look more closely at factors like health, age, income, skills (including English language skills), and use of more public programs, including:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (except for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI, TANF, General Assistance)

\*\*\*Services that are not listed above will not be counted in the new public charge test. This includes WIC, CHIP, school lunches, food banks, shelters, and many more - these programs are safe to get if you are eligible.

## MAKING THE RIGHT CHOICE FOR YOUR FAMILY

**Every family is different, and the programs that help your family might not even be part of the new changes.** We know that you are worried given our current political climate -- but the more we know about our rights, the harder it is for Trump to intimidate us. There are lots of people and organizations that can help you. An immigration attorney familiar with this issue can give you advice based on your specific situation. Local non-profits may also be able to provide help and legal advice. For free or low cost options visit: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.

### CHANGES ARE NOT IN EFFECT YET

**The new changes will not be used by immigration officials until October 15, and will apply only to applications that are postmarked or submitted electronically on or after October 15.** If you are applying for a green card in the U.S. right now, use of the non-cash benefits listed above will not be counted in a public charge test. And, it’s possible that the rule will be blocked or delayed further with legal challenges.

- The rule will also not count any programs (other than cash or long-term care) used before October 15, 2019. You still have time to make a decision about whether or not to stay enrolled in critical public programs.
- Programs used by your U.S. citizen children will not be used against you.

**AUGUST 14, 2019**

Final rule published in the Federal Register

**AUGUST 14, 2019 – October 15, 2019 (60 DAY PERIOD)**

Legal challenges are being put forward to stop the rule. You also have time to speak to an expert about your situation. Fight fear with facts – KNOW YOUR RIGHTS!

**OCTOBER 15, 2019**

Effective date of the new changes

# PUBLIC CHARGE: DOES THIS APPLY TO ME?

**Do you and your family members already have green cards?**



Public charge and any changes under this rule **WILL NOT** impact you. However, if you plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.



**Are you applying for or have one of the following statuses?**

U.S. Citizenship, Green card renewal, DACA renewal or TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status



The public charge test does **NOT** apply to some immigrants, including the categories listed here. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for. Benefits received while you are in this status will not be counted against you in the future, even if you apply for a green card on another basis.



**Does your family plan to apply for a green card or visa from inside the United States?**



If you aren't sure whether or not this policy applies to you, we recommend that you seek advice from an attorney who understands the new changes. If you are not subject to the public charge inadmissibility test, we recommend that you continue to get the assistance that you and your family need.



**Does your family plan to apply for a green card or visa from outside the United States?**



U.S. consular offices abroad use different rules in making this decision. You should talk with an expert for advice on your case before making any decisions. For free or low-cost options near you please visit:

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

