

PUBLIC CHARGE

January 2020



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).

APPLIES:

When you apply for a green card through a family or employment-based petition whether in the U.S. or at a consulate or embassy abroad.

DOES NOT APPLY TO PEOPLE IN MANY STATUSES INCLUDING THE FOLLOWING:

- Refugees
- Asylees
- Survivors of domestic violence (VAWA)
- Victims of offenses/crimes (U Visa)
- SIJS (Special Immigrant Juvenile Status)

PUBLIC CHARGE DOES NOT AFFECT CURRENT GREEN CARD HOLDERS WHEN APPLYING FOR CITIZENSHIP OR US CITIZENS.

WHAT HAPPENED?

The government is trying to change how it decides who can get a visa or a green card. To determine if someone will become a public charge, immigration officials will now look more closely at factors like health, age, household size, income, skills (including English language skills), and past use of an expanded list of public benefits (beyond cash assistance programs), including:

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

It’s important to note that services that are not listed above will not be counted in the new public charge test. This includes WIC, CHP, hospitals/clinics, school lunches, food pantries, shelters, and many more - these programs are safe to get if you are eligible. Receipt of benefits on behalf of children will not be counted against the individual in the new public charge test. Even if someone has not used these benefits, they could still be considered a public charge because of other factors mentioned above.

WHAT DID THE SUPREME COURT DECIDE ON JANUARY 27, 2020?

Make the Road New York, along with partners and allies filed lawsuits against the use of these news rules in the U.S. and abroad. In October, we won an injunction preventing the rule from going into effect in the U.S. Unfortunately, the Supreme Court decided the rule can go into effect while we continue to fight the case in the courts.

The new rule will be applied to green card applications sent to USCIS starting on February 24, 2020 and the use of any benefits covered by the rule (e.g. SNAP, Section 8, federally funded Medicaid) prior to February 24, 2020 will not be considered in the public charge test.

These changes will impact anyone applying for a green card through family or through their job.

WHAT SHOULD I DO?

- Do not disenroll your child from benefits like health insurance.
- Visit Make the Road New York or talk with a trusted community organization for advice before you stop receiving any other benefits you qualify for.
- If you have already or are planning to submit a family-based petition for a green card, please speak to your attorney or to a trusted immigration legal services provider.

VISIT: MAKETHEROADNY.ORG OR CALL 866-365-2724 EXT 123

Thank you!