

PUBLIC CHARGE

September 9, 2022



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).

WHAT IS THE LATEST?

VICTORY! On September 9, 2022, the Biden administration issued a new public charge regulation. The rule takes effect on **December 23, 2022**. Before this latest rule, Make the Road New York and allies fought and won victories against Trump's prior racist public charge rule in federal court.

The New Public Charge Rule:

- Makes public charge guidance a regulation instead of a policy.
- Adopts some aspects of the long-standing 1999 policy.
- Under this rule, green card applicants can be found to be a public charge if they previously or currently receive these limited benefits:
 - (1) public cash assistance for income maintenance, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF) or General Assistance or
 - (2) long-term institutionalization at government expense.
- Applicants will still be required to meet the financial sponsor requirements during their green card process (other factors such as age and health may also be considered).
- The agency will NOT consider any benefits received while the noncitizen held a status that is exempted from the rule (for example, U-Visa or asylee)

The following benefits DO NOT make a green card applicant a public charge:

- SNAP (food stamps),
- Federal Public Housing and Section 8 Assistance,
- Federally Funded Medicaid,
- Emergency Medicaid
- Other services such as WIC, hospitals/clinics, and food pantries,
- Most other benefits

WHAT SHOULD I DO?

- You can and should access any benefits you or your family qualify for without fear (SNAP, housing, health insurance, healthcare, etc.)
- If you have a question about your eligibility for a green card, talk to an immigration attorney or accredited representative (For NYC residents, you can call 311 for an Action NYC appointment, outside NY, call ONA at 1-800-566-7636)
- If you want to enroll or renew health or SNAP benefits, contact the Make the Road health team at 866-365-2724



VISIT: MAKETHEROADNY.ORG OR CALL 866-365-2724 EXT. 6

Thank you!