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!