

Understanding Changes to the Public Charge Rule

WHAT IS PUBLIC CHARGE?

For over a century a “Public Charge” rule has existed, which is a determination as to whether someone who is applying for Legal Permanent Residence status (LPR - also known as a green card) or applying for a visa to enter the U.S. is likely to depend on public benefits in the future in a manner that would disqualify them.

WHO DOES PUBLIC CHARGE AFFECT?

It only applies to people applying for LPR status or for a visa to enter the United States. No other types of immigration cases are impacted! It does not apply to those who already have LPR status (unless they have left the country for more than 180 days and seek to reenter).

WHO IS NOT AFFECTED BY PUBLIC CHARGE?

Many immigrants do not have to worry about public charge, including: • People applying for or who have a U Visa, T Visa, VAWA self-petition, or Special Immigrant Juvenile Status (SIJS) • Refugees and Asylees • DACA and TPS applicants • The majority of permanent residents • Naturalized U.S. citizens

WHAT DOES THE NEW PUBLIC CHARGE RULE SAY?

The new rule sets a stricter test for people to show they will not depend on public benefits in the future and expands the kinds of public benefits that will be considered negatively. An immigration officer will consider the “totality of the circumstances,” including family income, and having received certain public benefits for a certain period of time, along with other positive or negative factors.

WHEN WILL THE NEW RULE TAKE EFFECT?

The new public charge rule will go into effect on February 24, 2020 (except in Illinois where a state-wide injunction remains in effect). The new rule had been temporarily halted by the courts. However, as a result of a recent ruling by the Supreme Court, the new rule will be allowed to go into effect while litigation challenging the rule continues to make its way through the courts.

WHAT IF CHILDREN OR OTHER FAMILY MEMBERS RECEIVE PUBLIC BENEFITS?

The rule only considers benefits received by the immigrant person who is applying for LPR status. Family members receiving public benefits, such as U.S. citizen children, will not count against them. Eligible children should not be removed from Medicaid or other important benefits!

ARE ALL PUBLIC BENEFITS PART OF THE RULE?

No! Previously the public charge rule included only cash assistance programs (like TANF) and long-term institutionalized care (SSI). The new rule expands this determination to also include three new categories of public benefits: 1) SNAP benefits (food stamps); 2) general Medicaid (see exceptions below), and 3) federal public housing and section 8 assistance. But many other benefits are not included! And in reality, most people subject to the new rule are not eligible for these benefits to begin with.

WHICH PUBLIC BENEFITS ARE NOT INCLUDED?

Public benefits such as WIC; emergency Medicaid; Medicaid for pregnant women, new mothers, and children under 21; Head Start; childcare subsidies; school lunches; food banks; shelters; state and locally funded health care; and other such benefits are not part of the new public charge rule and will have no impact. Eligible families should continue to receive these important benefits!

DOES THE PUBLIC CHARGE RULE IMPACT ACCESS TO SHELTERS AND OTHER SERVICES DEEMED NECESSARY FOR LIFE OR SAFETY?

No! Services such as shelters, transitional housing assistance (up to two years), and many other services are not impacted by the public charge rule and survivors continue to be eligible regardless of immigration status.

Every family may have a unique situation, so if you have questions, it is best to contact an immigration attorney in your area.

Below is a list with some additional resources:

- Does public charge apply to me? Use [this chart](#) to help you better understand how public charge will impact you. [Available in Spanish.](#)
- Know your rights about public charge. Here are some [facts about public charge](#) that you can use. [Available in Spanish.](#)
- For advocates working with immigrant families, [here's more information.](#)
- If you need more information whether children and nutrition programs will be affected by the public charge rule, [click here.](#) [Available in Spanish.](#)
- For information about services necessary for life or safety see "[Ensuring Access to Shelter and Services for Immigrant Survivors](#)".

Casa de Esperanza: The National Latin@ Network is part of the Alliance for Immigrant Survivors (AIS) which is seeking testimonials from attorneys and advocates on the impact of the new public charge rule on survivors of domestic violence, sexual assault, and other gender-based abuses, as well as their families. The rule takes effect on February 24, 2020 while litigation continues in the appellate courts. AIS is gathering examples of how this is impacting survivors. Please share a general summary of your experiences to: ogarcia@casadeesperanza.org Do not provide any personal identifiers about the immigrant survivor(s) in your testimonials, as we may be using general examples provided for advocacy purposes (including litigation, media, or legislative advocacy). Your stories are critical to challenge the public charge rule and demonstrate the potential harmful impact of the rule on some survivors (particularly those who do not meet the exceptions listed in the FAQ above).

For more information, please contact Rosie Hidalgo, Senior Director of Public Policy, Casa de Esperanza: National Latin@ Network for Healthy Families & Communities, Email: rhidalgo@casadeesperanza.org