

How Changes to the Public Charge Immigration Policy Will Impact People Seeking Public Benefits

Some people who apply to enter or reenter the United States and/or modify their existing immigration status must go through a public charge assessment. Immigration officials must consider many aspects of a person's circumstances, including but not limited to use of certain public benefit programs, when completing these assessments.

The Department of Homeland Security (DHS) and the Department of State created a new set of policies significantly changing how they conduct this assessment and these changes will go into effect for individuals applying for an immigration status on or after February 24, 2020. This resource identifies people who will not go through a public charge assessment and describes how use of some public benefit programs is factored into public charge assessments under the new policies.

Public charge does not apply to all people seeking an immigration status. **Because of the restrictive immigration-related eligibility requirements for government programs, most people who qualify for the programs identified in the new policy will never undergo a public charge assessment.** Nonetheless, the new policies are complex, and many people who have little to fear may still be confused and/or frightened by the changes, which could lead them to unnecessarily go without benefits.

People who will not undergo a public charge assessment:

- U.S. citizens
- People who are lawful permanent residents (LPRs, or green card holders) do not have to go through a public charge assessment when they renew their status or apply to become U.S. citizens. If an LPR leaves the United States for more than 6 months, they may have to go through a public charge assessment.
- People with the following immigration statuses are not required to go through public charge assessments when they apply to become lawful permanent residents:
 - Asylum
 - Refugee
 - Special immigrant juvenile
 - Certain people paroled into the U.S.
 - Violence Against Women Act self-petitioners
 - Victims of Criminal Activity (U Visa applicant/holder)
 - Victims of Human Trafficking (T Visa applicant/holder)

People who are unsure if they will undergo a public charge assessment in the future can consult with an immigration attorney. A directory of free or low-cost immigration legal services can be found at: www.immigrationadvocates.org/legaldirectory

Programs considered in a public charge assessment:

For people subject to a public charge assessment, enrollment in certain public benefits is **only one of many aspects that must be taken into consideration in the assessment**. Enrollment in these benefits may be negatively factored **only for the person using the benefits**. Enrollment by a parent, spouse or child would not be negatively factored in.

The following benefits are considered under the rules:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal public housing and Section 8 assistance
- Cash assistance programs (like SSI, TANF, General Assistance)
- Medicaid, however Medicaid will not be negatively factored into public charge assessments for the following groups:

- People who get Medicaid when they are younger than 21
- People who get Medicaid based on pregnancy
- People in the U.S. military or Ready Reserve, including their spouses and children
- People who only receive health care services for life-threatening emergencies paid for by Medicaid
- People who only receive school-based health services paid for by Medicaid

If a program is not listed above, it is not considered in a public charge assessment.

Examples of programs that are not considered include:

- Financial assistance related to health insurance on the Affordable Care Act’s marketplaces
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Children’s Health Insurance Program (CHIP)
- School lunches
- Food banks
- Shelters
- State or local health care programs
- And many more

More information about public charge and other immigration policies can be found at:

www.protectingimmigrantfamilies.org