

# PUBLIC CHARGE:

*The law has changed!*

UPDATED JUNE 9, 2021

## What is Public Charge?

Some people who apply for a green card (lawful permanent resident status) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to depend primarily on government services in the future. Immigration officials look at all of a person’s circumstances, including their age, income, health, education or skills, family situation and their sponsor’s affidavit of support or contract.



*IN THE PAST FEW YEARS, the law about “public charge” has changed several times, leaving families confused about what it all means for them. The law changed again in March 2021, making it easier for most families to pass the public charge test. Read this flyer for the latest information on public charge!*

## What benefit programs can I use *without concern*?

Under the new public charge rule in 2021, using the following government programs will NOT affect your immigration status or your immigration application. You and your children and family members may use them without concern if you are eligible.

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|--|---|
| ▶ Medicaid*, ACA, NC Health Choice (children’s health insurance), free or sliding-scale clinics, and all other health care<br>◊ <b>*Except</b> for long-term institutional care (living in hospital at government expense) | ▶ Pandemic-related one-time financial assistance<br>◊ This includes NC HOPE and local rental programs in Wake, Durham, Forsyth, Guilford, Orange, and Mecklenburg counties, among others. |
| ▶ COVID testing, treatment and vaccines  | ▶ WIC   |
| ▶ SNAP (food stamps)   | ▶ Public Housing  |
| ▶ Earned Income Tax Credit (EITC) and child tax credits  | ▶ Free or reduced price school lunches and P-EBT  |
| ▶ Stimulus checks from the IRS   | ▶ Food banks or shelters  |

▶ And any other benefits that are **not listed** in the section below...

## Are there any benefit programs I should be *concerned* about using?

The only public benefits that are considered negatively in the public charge test are listed below:

- ▶ Cash assistance programs that provide **on-going payments**
  - ◊ In North Carolina, those programs would include **SSI** (payments for disabled persons) and **TANF** (monthly cash assistance)
- ▶ Long-term institutional care at government expense

Immigration generally only considers these programs negatively if you (the immigrant who wants to apply for status in the future) are using them for yourself. If your children or other family members in your household are using them, they are only considered negatively if those benefits are the \*only source of income\* for the entire household.

## Public charge does not apply to everyone!

- Are you and your family members U.S. citizens?



Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.

- Do you and your family members already have green cards?



Public charge does NOT apply to you when you renew your green card or apply to become a U.S. Citizen.

**HOWEVER, IT MAY APPLY IF YOU LEAVE THE COUNTRY FOR MORE THAN 6 MONTHS.**

It is a good idea to talk with an immigration attorney if you are planning to take a long trip outside the U.S.

- Are you applying for or do you have one of the following statuses: TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?



Public charge does NOT apply to you. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.

- Do you plan to apply for a family-based green card?



### **PUBLIC CHARGE MAY APPLY.**

The only benefits considered in a public charge test are: cash assistance programs that provide on-going payments (Examples in NC include: SSI and TANF) and long-term institutional care like in a nursing home paid for by the government.

*We recommend that you speak to a knowledgeable immigration attorney before submitting any immigration-related application.*

#### FOR MORE INFORMATION:

- Charlotte and surrounding counties: (704) 376-1600
- Eastern North Carolina, Triangle and Triad: (919) 856-2162
- Western North Carolina: (828) 253-0406

*(Se habla español, and interpreters are available in various languages)*

