



PUBLIC CHARGE: GETTING THE HELP YOU NEED

UPDATED JANUARY 28, 2020

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). In this test, officials look at all of a person’s circumstances, including income, employment, health, education or skills, family situation and whether a sponsor signed a contract (“affidavit of support”) promising to support the person. Officials can also look at whether a person has used certain benefit programs.

CHANGES TO PUBLIC CHARGE

The government is changing how it makes public charge decisions. Immigration officials will look more closely at factors like health, age, income, skills (including English language skills), and use of more public programs, including:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (*except* for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI, TANF, General Assistance)

*** Benefits not listed above will **NOT** be counted in the new public charge test – including WIC, the ACA/Obamacare, school lunches, food banks, shelters, and many more – these are safe to use and will NOT be counted against you.

BENEFITS USED BY YOUR FAMILY MEMBERS ARE NOT COUNTED AGAINST YOU

Only the benefits used by the green card applicant are considered in the public charge test, and most immigrants applying for a green card are not eligible for the benefits affected by the rule. The benefits used by family members are only counted if the family members are also applying for a green card, and it only affects *their* application. **If your children or family members are citizens or already have green cards, they should continue to use the benefits for which they are eligible to keep themselves strong and healthy, without any effect on your immigration application.** Also, many categories of immigrants do not have to go through the public charge test at all. See the back of this flyer for more information on which immigrants are affected by the rule.

SPEAK TO AN IMMIGRATION ATTORNEY FOR ADVICE

An immigration attorney familiar with this issue can give you advice based on your specific situation.

To speak with someone at the North Carolina Justice Center about your situation, call 919-861-2064.

You can find more information at ncjustice.org/public-charge or protectingimmigrantfamilies.org

The Supreme Court issued a ruling saying that the public charge rule could go into effect while the rule is still being challenged in court. Immigration has not yet announced the exact day it will go into effect. The rule is still being debated in court even as it goes into effect.

Stay tuned to the above websites for updates.

PUBLIC CHARGE: DOES THIS APPLY TO ME?

