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). Immigration officials use the term “public charge” to refer to people who are likely to become dependent on the government to support themselves. The federal administration recently announced changes that expand “public charge” to include people who receive one or more public benefits for more than 12 months within any three year period.

CHANGES TO THE PUBLIC CHARGE RULE GO INTO EFFECT FEBRUARY 24, 2020. Every family is different, and while the Public Charge Test may scare you, it only affects a small number of families, and only the programs listed below are impacted by the rule change.

APPLYING FOR A GREEN CARD? APPLYING FOR CITIZENSHIP?

PUBLIC CHARGE DOES NOT APPLY

Will you be applying to adjust your status from INSIDE THE U.S.?

NO

Will you be applying to adjust your status from OUTSIDE OF THE U.S.?

(example: Ciudad Juarez)

YES

Are you using any of the following PUBLIC BENEFITS?

Cash Assistance Programs

Supplemental Security Income (SSI) for the aged, blind, or disabled

Temporary Assistance for Needy Families (TANF)

Long-term nursing home care or other residential care paid for by Medi-Cal

Supplemental Nutrition Assistance Program (SNAP, “EBT” or “food stamps”)

Medicaid, EXCEPT FOR emergency services, children under 21 years, pregnant women and new mothers up to 60 days after pregnancy ends.

NO

You MAY be subject to the PUBLIC CHARGE TEST and be affected by public charge changes.

SEEK LEGAL HELP

Everyone attempting to adjust their status is subject to the Public Charge Test, but

YOU WILL LIKELY NOT BE AFFECTED

by changes to the public charge test.
DON’T WORRY.

✅ Benefits used by eligible family members don’t count unless family members are also applying for a green card—if your children are citizens and use one of the benefits on the chart on the reverse side, it won’t count against you!

✅ Benefits used before the changes go into effect will not be considered in public charge determinations. The only exceptions are cash assistance and long-term care.

✅ Medicaid for children under 21, pregnant women, new mothers, and emergency services will not be considered in public charge determinations.

SHOULD I DISENROLL FROM PUBLIC BENEFITS?

The health and wellbeing of you and your family is important!

Please know that using public benefits alone will not mean that you fail the public charge test. Immigration officials will need to look at other factors to determine if you do or do not pass the public charge test. This is known as “totality of circumstances.” The “totality of circumstances” looks at factors that include your age, health, income, assets, resources, education/skills, family, and employment. Positive factors, like your education and employment, can outweigh your use of public benefits.

LEARN MORE AT:

www.keepyourbenefits.org or text “benefits” to 650-376-800

SEEK LEGAL HELP

Please consult with an immigration attorney or BIA-accredited representative about your own situation:

www.bit.ly/immigrationhelp

Not all benefits are included in the changes to the Public Charge Test. The following programs are SAFE to use if you are eligible (for a list of benefits that ARE included, please refer to the chart on the reverse side):

✅ WIC (The Special Supplemental Nutrition Program for Women, Infants, and Children)

✅ CHIP (Children’s Health Insurance Program)

✅ Shelters

✅ Covered California Subsidies

✅ Earned Income Tax Credits

✅ School Lunch

✅ Food Banks

The Public Charge test does NOT apply to every immigrant. Those not affected include:

✅ Refugees or Asylees

✅ Survivors of domestic violence, or other serious crimes (U or T visa applicants/holders)

✅ Special immigrant juveniles

✅ Violence Against Women Act (VAWA) self-petitioners

✅ Legal Permanent Residents (LPRs) applying for U.S. Citizenship

✅ Other categories of humanitarian immigrants may be exempt

PUBLIC CHARGE Will it affect me?

LEARN MORE AT THESE WEBSITES:

www.allinforhealth.org/public-charge

www.protectingimmigrantfamilies.org

TO JOIN OR REQUEST A PUBLIC CHARGE RELATED EVENT, EMAIL:

allinforhealth@childrenspartnership.org