

PUBLIC CHARGE

What you need to know

Important things to know:

- Just because you are getting public benefits does not mean you are automatically a public charge.
- The public charge rule does not apply to U.S. Citizen children who receive public benefits, regardless of the immigration status of their parent(s).
- Do not cancel your benefits or a family member's benefits without talking to an immigration lawyer first!

What is Public Charge?

- Public charge is a test that immigration officials use in very limited situations. If immigration decides someone is a public charge, they can deny that person entry to the U.S. or a green card.
- A public charge is someone who depends on the Government for (a) public cash assistance for income maintenance or (b) institutionalization for long-term care at government expense.
- Immigration officials can consider all of the following things about someone to decide if that person is a public charge:
 - Health • Age • Income • Education • Family situation • Skills (including English language skills)
 - Participation in certain public programs (see below)

What is going on with the new public charge rule?

- **As of now, the new public charge rule goes into effect on December 23, 2022.** However, this new rule could change, depending on future court decisions.
- The new public charge rule will only apply to immigration applications/petitions postmarked or submitted electronically on or after December 23, 2022.
- The new rule changes the way immigration officials find that someone is considered a public charge through evidence that they are likely at any time to become *primarily dependent on the government* for subsistence. (See benefits that are considered subsistence below)

Does public charge apply to you?

Public charge does NOT apply to lots of people

- **If you are in any of these groups, the public charge rule does not apply, and you cannot be denied a green card or visa because you need/use public benefits:**
 - Refugees • Asylees • U and T Visa Holders • VAWA Self-petitions • Children with Special Immigrant Juvenile Status
- A person with a green card cannot be denied U.S. citizenship for being a public charge.
- A person with a green card cannot be denied their green card renewal for being a public charge.
- A person with a green card cannot be denied re-entry into the U.S. for being a public charge,
 - **Unless** the person is trying to come back into the U.S. after being outside of the U.S. for 180 days (6 months) or more.
- **If public charge does not apply to you, you can get safely get any public benefits that you are eligible for.**

Public charge DOES apply to some people

- Immigration applies the public charge test to these types of applications for a green card or a visa:
 - Family petitions • Employer petitions • Tourist visas • Non-immigrant visas
- Immigration also applies the public charge test to green card holders who have been out of the U.S. for 180 days (6 months) or more and try to come back in after their trip abroad.
- If you are in any of these groups, your application for a green card or visa can be denied for being a public charge.
- **If the public charge rule applies to you, using these benefits below can make you a public charge under the test:**
 - Long-term institutionalization at government expense (including Medicaid coverage for institutional service)
 - Cash assistance programs: SSI, TANF, General Assistance
- **Even if the public charge rule applies to you, using these benefits below will not make you a public charge:**
 - Medicaid • Medical Assistance for: people under 21, pregnant women, and emergency services • Shelters • WIC
 - LIHEAP • Head Start • CHIP • School breakfast/lunch programs • Unemployment compensation • Food banks
 - SNAP • Housing vouchers • Federally subsidized housing

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This is general information, not intended as legal advice.

This info. is based on the new public charge rule.
The new rule goes into effect on 12/23/2022.