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How Does the New Public Charge Rule Affect You?

What Is New?

U.S. Citizenship & Immigration Services (USCIS) implemented a new rule, **effective February 24, 2020**, to decide who will be considered a “Public Charge” (someone that is likely to need financial assistance from the government). The Department of State (DOS) is also seeking to have its Public Charge rule take effect on the same day.

How Does This Impact Me?

If you or your employee are seeking to remain or come to the United States either temporarily or permanently and are not in one of the exempt categories below, the rule will apply to you if you file on or after February 24, 2020. You will need to provide additional information and documents to USCIS as part of your application. This includes information about your health, family, education, income, assets, liabilities, receipt of any public benefits, and an Affidavit of Support from a financial sponsor. If you are found to be inadmissible as a Public Charge, you may be able to pay a bond and still adjust, change or extend your status.

Does the Public Charge Rule Apply to Me?

Not everyone is subject to the public charge rule. The most common exceptions are the following:

- Asylees and Refugees
- Applicants for U or T Nonimmigrant Status
- VAWA Self-Petitioners
- Special Immigrant Juveniles
- Applicants Seeking Temporary Protected Status
- Applicants under the Cuban Adjustment Act

What Should I Do Now?

Talk to your lawyer about how the new rule affects you.

- ✓ Talk to your lawyer about any past receipt of benefits and before applying for any new benefits.

What Benefits Are Problems for Public Charge?

- Cash Assistance for Income Maintenance (includes TANF, SSI, and federal, state, and local assistance programs)
- SNAP or Food Stamps
- Medicaid (with exceptions listed below)
- Housing Assistance (Public Housing or Section 8 Housing Vouchers and Rental Assistance)

What Benefits May My Family and I Still Receive?

Any benefits not on the above list are NOT considered as public benefits under the public charge rule, such as:

- ✓ Benefits received by the immigrant’s family members
- ✓ Benefits received by U.S. Armed Forces Service Members
- ✓ Emergency medical assistance
- ✓ Medicaid received by (1) children under 21; (2) during pregnancy or within 60 days of pregnancy; or (3) under the Individuals with Disabilities Education Act (IDEA).
- ✓ Health Insurance under the Affordable Care Act
- ✓ Social Security and Medicare
- ✓ WIC
- ✓ CHIP
- ✓ Energy Assistance (LIHEAP)
- ✓ Pell grants and student loans
- ✓ Worker’s Compensation or Unemployment Benefits
- ✓ Tax-related cash benefits

If you want more information about public charge or to learn if you might be eligible for immigration benefits or relief, speak to a reputable immigration lawyer. Go to www.ailalawyer.org to connect with a lawyer in your area.



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