



*The administration may change the rules affecting noncitizens who receive public benefits like Medicaid.*

***This advisory only covers the possible changes that may affect patients who are applying for a green card or visa.***

### **Who is affected by the “public charge” rules?**

These rules primarily apply to people who are being sponsored by a spouse, parent, adult child, or other family member for a green card, and people who are in the United States temporarily on an unexpired visitor’s visa.\*

These rules do not affect a person’s eligibility for asylum, VAWA, U visas, T visas, Special Immigrant Juvenile Status (SIJS), Temporary Protected Status (TPS), or other forms of humanitarian immigration relief.

### **What are the “public charge” rules that apply to family-based green card applicants?**

Under immigration law, anyone “who is likely to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance [like SSI or TANF cash benefits] for income maintenance, or institutionalization for long-term care at government expense” is not eligible to receive a green card through their family member.

➔ ***Under the current rules benefits like Emergency Medicaid, regular Medicaid, CHIP, food stamps, housing subsidies, SSDI, veterans benefits, worker compensation , etc., are not considered in the public charge analysis***

### **Will the “public charge” rules change? If so, how?**

The Department of Homeland Security has expressed intent to issue rules in 2018 defining the term “public charge” and outlining what will be considered in a decision about whether someone is likely to become a public charge.

It is unknown when these regulations will be issued, what changes (if any) there will be to the current rules, and if any changes will be applied retroactively. It is possible that Immigration will expand the kinds of benefits they consider in the public charge analysis. If so, receiving benefits like Emergency or regular Medicaid might make it more difficult to obtain a green card through a family member. Other forms of humanitarian immigration relief will not be affected.

### **What resources are available for patients and social workers?**

Patients with questions may be referred for an appointment at a LegalHealth clinic for advice about their particular case. Social workers may also request a consultation with a LegalHealth attorney for more information.

\* Immigration applies the public charge rules more strictly to individuals who are in the U.S. on a visitor’s visa. Individuals with visitor’s visas may have their visas revoked if they receive any government benefits, including WIC and Emergency or regular Medicaid.