



NEW PUBLIC CHARGE INADMISSIBILITY RULES

Information as of 8/21/2019, subject to change

The “public charge” rule is used to decide whether a person can enter the U.S or get a green card (lawful permanent residency) through a family member. The test looks at the **totality** of a person’s circumstances, including income, employment, age, health, education or skills, and receipt of certain public benefits. If an immigration official decides that a person is likely to become a public charge *in the future*, the official can deny the application to enter the U.S. or to get a green card.

- The new rule does not go into effect until October 15, 2019, unless delayed by the courts.
- The public charge inadmissibility rule does not apply to all immigrants or to all public benefits.
- Receipt of public benefits alone does not make someone a public charge.
- Benefits received by family members or other household members are NOT counted.

Who Does the Public Charge Inadmissibility Rule Apply To?

Applies To

- Immigrants applying to become lawful permanent residents (“green card applicants”) based on family and employment petitions
- People applying for:
 - Tourist visas
 - Other non-immigrant visas (such as student visas)
 - Visa extensions or change of status

Does NOT Apply To

- **Green Card** holders, including those applying for citizenship (unless returning from 6 months or more abroad)
- Other groups include:
 - Asylees and Refugees
 - U/T visas
 - VAWA self-petitioners
 - Special Immigrant Juvenile Status
 - Certain Parolees
 - Active-duty military and their families
- U.S. Citizens

Which Public Benefits Does the Public Charge Inadmissibility Rule Apply To?

Public Benefits Included in Public Charge

HEALTHCARE: Federally-funded Medicaid (with exceptions, see across)

CASH ASSISTANCE/FOOD: TANF, SNAP (food stamps), SSI, state and local cash assistance programs (such as Safety Net Assistance or SNA)

HOUSING: Section 8 and Public Housing

Public Benefits NOT Included in Public Charge

HEALTHCARE: Emergency medical assistance (including Emergency Medicaid), CHIP, Medicaid for children under 21, Medicaid for pregnant women (+60 days post-partum), State-funded Medicaid (PRUCOL), Medicaid under IDEA, Medicare Part D Low-Income Subsidy, subsidized health insurance under the Affordable Care Act (Essential Plan), ADAP, H+H Options, NYC Care

CASH ASSISTANCE/FOOD: WIC, national school meal programs, Head Start, tax credits, disaster relief

HOUSING: Certain housing assistance, energy benefits, short term shelters for the homeless and victims of DV

ANY BENEFITS RECEIVED BY FAMILY/HOUSEHOLD MEMBERS

This is general information, not legal advice. Immigrants who are concerned about the new public charge inadmissibility rule can make an appointment with a LegalHealth attorney or call the LegalHealth Public Charge Intake Line at (212) 659-6188 to discuss immigration concerns. All calls and information remain confidential