What is public charge?

“Public charge” or 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).

What happened?

The government is changing how it makes public charge decisions. Immigration officials will look more closely at factors like health, age, household size, income, skills (including English language skills), and use of certain public programs. The final public charge rule that will impact immigrants applying for a green card through a family based petition was published on Wednesday August 14, 2019 in the Federal Register but does not go into effect until October 15, 2019.

Applies:

At green card determination* (based on family-based or employment-based petitions) or when seeking to enter the U.S. with a visa.

*The new rule applies only to people applying inside the United States

DOES NOT APPLY TO THE FOLLOWING STATUS, INCLUDING WHEN THEY APPLY FOR A GREEN CARD:

- Refugees
- Asylees
- Survivors of domestic violence (VAWA)
- Victims of offenses/crimes (U Visa)
- SIJS (Special Immigrant Juvenile Status)

PUBLIC CHARGE DOES NOT AFFECT THOSE WHO ALREADY HAVE A GREEN CARD (LPR) OR ARE A U.S. CITIZEN. THE RULE DOES NOT AFFECT SOMEONE APPLYING FOR CITIZENSHIP.
*New* Rule

The new rule is looking at factors such as health, age, household size, income and skills and whether a green card applicant is likely to become dependent in the future on the following benefits:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (except for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI, TANF, General Assistance)

***Services that are not listed above will not be counted in the new public charge test. This includes WIC, CHP, hospitals/clinics, school lunches, food pantries, shelters, and many more - these programs are safe to get if you are eligible.***

***Even if someone has not used these benefits, they could still be considered a public charge because of the factors mentioned above.***

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**When will these changes occur?**

The new changes will not be used by immigration officials until October 15, 2019 and will apply only to green card applications that are postmarked or submitted electronically on or after October 15, 2019. It will NOT impact anyone who currently has a pending application for a green card. Legal challenges have been filed and will hopefully delay the implementation.

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**Key Points:**

- The changes have NOT happened yet. People who think they may be affected should speak with an advocate or attorney before disenrolling in public benefits.
- Many immigrant groups will NOT be affected by these changes (asylees, U visas, SIJS, etc.).
- Remember that people who already have green cards will NOT be affected! Use of these benefits before the rule is in effect will not be considered in public charge determinations.
- U.S. citizens will NOT be affected.

TO GET MORE INFORMATION, VISIT A MAKE THE ROAD NY CLOSEST TO YOU.
FOR RESOURCES, VISIT: MAKETHEROADNY.ORG.
The NY State New Americans hotline can also help answer questions about how these changes may affect a specific individual or family. Call 800.566.7636

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