

# Public Charge Updates

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# What is “Public Charge?”

It is a test in certain immigration applications to see if someone is **likely to become dependent on the government.**

# Did “Public Charge” Change?

In August 2019, the government finalized changes to the Public Charge rule, but **lawsuits stopped the rule from going into effect!**



# Did “Public Charge” Change?

**For now, nothing has changed!**

Only the old Public Charge rules are in effect. Public Charge still doesn't apply to many people, and most benefit programs are not included in the current rule.

# Important!

Nothing about  
benefit eligibility has  
changed either!



# What is “Public Charge?”

The public charge test involves looking at ***certain*** factors to decide if a person is likely to rely on government support in the future.

**Certain past public  
benefits used**

**Income**

**Health**

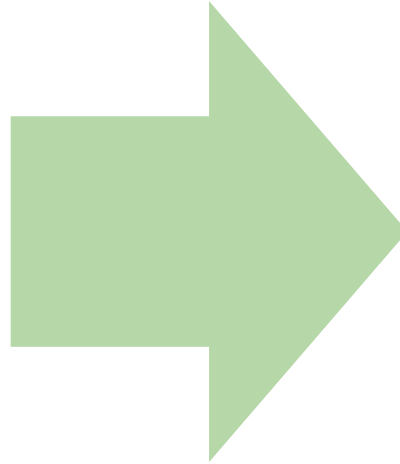
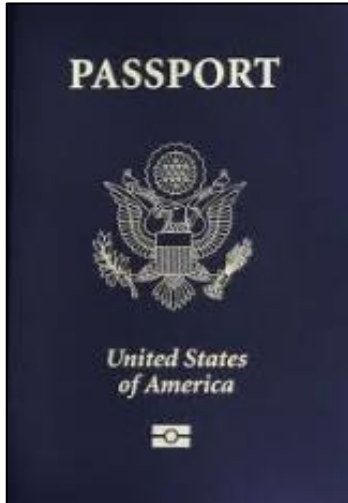
**Family Size**

**Employment**

**Education &  
Skills**

# Who Does Public Charge Apply To?

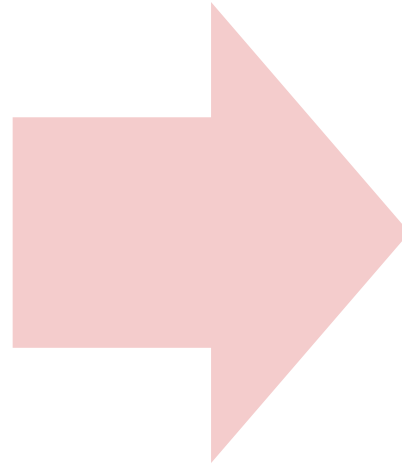
Application for  
**Citizenship**



**NO**  
**Public Charge**  
**Test**

# Who Does Public Charge Apply To?

**Some Green Card applications**  
(exemptions on next slide)



**YES**  
**Public Charge**  
**Test**



# Who Does Public Charge NOT Apply To?

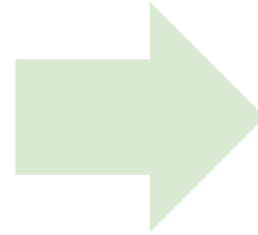
**Refugees and Asylees**

**Victims of trafficking (T visas),**

**Victims of domestic violence or other serious crimes (U visas and VAWA self-petitioners)**

**Special Immigrant Juveniles (SIJS)**

**Some other immigrants**



**NO**  
**Public Charge**  
**Test**

# Who Does Public Charge NOT Apply To?

Benefits used by an applicant's children and family members will **NOT** count in that person's public charge test.

For example, benefits used by U.S. Citizen children **will not impact their parent's application** for a Green Card.



# What is “Public Charge?”



The public charge test is **only applied during the application process for a Green Card.**

# Public Charge - How Does the Test Work?

Public benefits considered **now**:

- 1 Cash assistance**  
(SSI, TANF, Safety Net Assistance)
- 2 Institutionalization for long-term care**  
(funded through Medicaid)

# Public Charge - How Does the Test Work?

Public benefits the government *tried to add*:

**1 Cash assistance**  
(SSI, TANF, Safety Net Assistance)

**2 SNAP** (food stamps)

**3 Medicaid**  
(but **NOT** sliding-scale services, Essential Plan, Child Health Plus, Qualified Health Plans, Emergency Medicaid, or Medicaid for pregnant women and children)

**4 Section 8 and public housing**

# Health coverage and public charge

Health care programs that would be included in the **expanded** public charge test (**NOT** currently in effect):

- Federally-funded Medicaid

Who is enrolled in federally-funded Medicaid in NYS?

- Green card holders w/ 5+ years in status (not subject to or already cleared public charge test)
- Humanitarian immigrants, e.g. refugees (EXEMPT)
- Pregnant women (EXEMPT)
- Children under age 21 (EXEMPT)

# Health coverage and public charge

Health care programs that are **NOT** part of public charge test and would **NOT** be included in the expanded public charge test:

- Medicare
- Essential Plan
- Qualified Health Plans on New York State of Health
- Child Health Plus
- Emergency Medicaid
- State-funded Medicaid (e.g., DACA recipients)

# Health coverage and public charge



Remember that **lawsuits stopped** federally-funded Medicaid from being added!

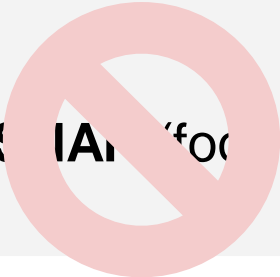
The **ONLY** healthcare benefit in the current rule is Institutionalization for long-term care.



# Public Charge - How Does the Test Work?

Lawsuits stopped these benefits from being added! **These are not part of the current rule.**

**1 Cash assistance**  
(SSI, TANF, Safety Net Assistance)

**2**  **State** (for stamps)

**3 Medicaid**  
(but **NOT** long-term care services, Essential Plan, Child Health Plus, Qualified Health Plans, Emergency Medicaid, Medicaid for pregnant women and children)

**4**  **Section 8 and public housing**

# Public Charge - How Does the Test Work?

The **ONLY** public benefits that are in the current rule:

- 1 Cash assistance**  
(SSI, TANF, Safety Net Assistance)
- 2 Institutionalization for long-term care**  
(funded through Medicaid)

# What public benefits are NOT part of the new rule?

There are many other benefits that are **NOT** part of the current Public Charge test and the government is **NOT** trying to add. For example:

- WIC
- School programs (lunches, buses, afterschool, etc.)
- Seeing a doctor at the hospital or clinic
- **Benefits used by family members**

# Public Charge - How Does the Test Work?

Just using the identified government benefits does not automatically make you a public charge. The government looks at **multiple factors**.



# Remember!

- As of today, the Public Charge rule has **NOT** been changed.
- If you apply for a Green Card today, the government will follow the **current** public charge rules.
- Benefits used by family members of the applicant **DO NOT** count in the applicant's public charge test.

# What Should I Do Right Now?

- If you are submitting an immigration application that doesn't involve a public charge test, **you don't need to be concerned with public charge.**
- If you are submitting an application that involves the public charge test, **consult an immigration expert.**



# What Should I Do Right Now?

Call the **New Americans Hotline at 1-800-566-7636** for suggestions about where to get legal advice. The hotline is free and anonymous, and help is available in many languages.

Additional resource in New York City  
**Legal Aid Society Immigration Hotline**  
**1-844-955-3425**

# Stay Informed!

For updated information on the proposed rule change and community resources, visit:

[New York Immigration Coalition](http://www.nyic.org/publiccharge)

[www.nyic.org/publiccharge](http://www.nyic.org/publiccharge)

[Protecting Immigrant Families](http://www.protectingimmigrantfamilies.org)

[www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)

## What is a “public charge?”

A person who uses some kinds of benefits from the government might be considered a “public charge” by the government. This can affect your immigration status. Just using government programs does not make you a public charge.

Which programs might put someone at risk of being considered a “public charge”?

The **ONLY** government programs right now are:

- Cash assistance (like TANF or SSI)
- If the government is paying for institutionalized longterm health care (like a nursing home)

Even being enrolled in these programs does **NOT** mean you will automatically be considered a public charge. But these are some of the things the government looks at.

**MOST** government benefits are not included. If your children are US citizens, you can apply for them to use these programs without putting yourself at risk.

When does the government decide if someone is a “public charge?”

The government recently attempted to change the rules used to decide if someone is a “public charge.” Lawsuits have stopped the changes, and for now, **NOTHING HAS CHANGED**. Public charge doesn’t apply to many people, and most government programs aren’t included in the rules.

What should I do?

You don’t need to cancel your benefits if you’re not at risk of being considered a “public charge.” Even if you are, it is important to think about what programs you and your family need as well as immigration concerns. If you have questions about “public charge” related to an existing

(card) status).

On August 14, the Department of Homeland Security (DHS) finalized dramatic changes to this long-standing policy. When seeking a visa or green card, a forward-looking test is applied – where an immigration officer assesses whether a person will be deemed a “public charge” in the future. This assessment is made upon a “totality of circumstances” assessment that considers the person’s age, health, family status, income and resources, education and skills. The rule adds specific standards to each of these factors, including a minimum income threshold, consideration of credit scores and history, and even an English proficiency standard. The rule also expands the public assistance programs that may be counted in a “public charge” determination, including anyone who is more likely than not to use certain health care, nutrition, or housing programs in the future. The effective date, if not delayed by litigation, is October 15, 2019.

### PUBLIC CHARGE RULE WILL HARM HEALTH, WELL-BEING OF MILLIONS

The rule fundamentally changes who we are as a nation—transforming us from a country that welcomes people who plan to work hard and achieve a better life to one rigid in

GE FACT SHEET  
AUGUST 2019

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ives that a person  
vidence for “green





# Questions?

# Alicia



“My uncle is undocumented and has been getting his kidney dialysis through Emergency Medicaid. Should I help him cancel his coverage since it may subject him to public charge and deportation?”

# Alicia



## Key messages to convey:

- Public charge only applies when seeking a green card
- Emergency Medicaid is not included in current OR new rule
- Need to consider overall well-being

# Martin



“My wife and I have applied for asylum and received work permits, and our baby is a U.S. born citizen. We both got the Essential Plan and our baby has full scope Medicaid, but we are too scared to use these benefits.”

# Martin



## Key messages to convey:



- There is no public charge test when applying for asylum.
- Essential Plan is not included in current OR new rule.
- Use of benefits by family members do not count against the applicant.

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