

What is public charge?

“Public charge” is a ground of inadmissibility. Grounds of inadmissibility are reasons that a person could be denied a green card, visa, or admission into the United States. It is not a test that applies to everyone. In deciding whether to grant an applicant a green card or a visa, an immigration officer must decide whether that person is likely to become dependent on certain government benefits in the future, which would make them a “public charge.”

Here are a few important points regarding public charge:

- Public charge does not apply to all immigrants. This law mainly impacts those seeking permanent resident status through family member petitions.
- In immigration law, public charge is a ground of “inadmissibility.” This law says that those who are viewed as likely to become dependent on the government in the future as a “public charge” are inadmissible. Grounds of inadmissibility only apply to those seeking entry at our borders or those applying for a green card (lawful permanent residence).
- Many immigrant categories are exempt from the public charge ground of inadmissibility, even if they might be applying for status or a green card. U visa holders, T visa holders, asylees, refugees, and many more categories are exempt.
- Public charge laws do not apply in the naturalization process, through which lawful permanent residents apply to become U.S. citizens.

Who is not affected by Public Charge:

- Refugee and Asylee
- Special Immigrant Juvenile Status
- U nonimmigrant status
- T nonimmigrant status
- DACA renewal
- TPS
- Naturalization
- Applying for a green card through cancellation of removal
- Applying for a green card through special statuses like Asylee, SiJS, VAWA, U, T
- Others (Amerasians, Afghan and Iraqi military translators, certain Cuban and Haitian adjustment applicants, certain Nicaraguans and Central Americans under NACARA, registry applicants, Soviet and Southeast Asian Lautenberg parolees)

Public charge does NOT apply to U.S. citizens.

As of February 24, 2020 The Department of Homeland Security began implementing the public charge rules. The new rules include considering the use of certain public programs when determining whether someone is a public charge.

Benefits that DO count as Public Charge in New Rule:

- Cash assistance (SSI, TANF, General Assistance)
- Long-term institutionalized care paid for by Medicaid
- Medicaid (federally-funded programs)
 - **NOT including:**
 - Emergency services
 - School-based benefits to children
 - Use by immigrant children under 21 years of age
 - Use by immigrants during a pregnancy and up to 60 days after
- Food Stamps – SNAP (federally funded)
- Section 8 housing assistance and project-based rental assistance
- Subsidized housing

NOTE: Only these six listed benefits are included in public charge inadmissibility determinations.

Benefits that DO NOT count as public charge in New Rule

- Children’s Health Insurance Program (CHIP)
- Medicaid used by children under 21 years of age
- Emergency and school-based Medicaid
- Medicaid for pregnancy and up to 60 days after pregnancy
- Emergency and disaster relief
- WIC
- Public health services
- School-based nutrition services like free and reduced meals
- Public education, including Head Start
- Earned benefits, such as unemployment, social security retirement, workers compensation
- Tax credits
- City Welfare assistance
- Market Place/Obama care
- Fuel and electric assistance
- Commodity Food
- Others not listed here...

For more information on public charge rule, please contact Catholic Charities at 603-669-3030.

<https://www.ilrc.org/late-breaking-public-charge-update> Immigrant Legal Resource Center

https://www.shvs.org/wp-content/uploads/2020/02/Public-Charge-Talking-Points_Updated-02.03.2020.pdf Woodrow Wilson School, Princeton University