

Know the Facts about Public Charge

(This fact sheet is not a substitute for legal advice.) Updated 1-29-2020

There is a new federal rule that changes how people are found to be a “Public Charge.” It lets the federal immigration agency look at a longer list of public benefits, and more factors such as family income, when deciding whether a person is likely to become a Public Charge in the future.

***Update: As of January 27, 2020, the new Public Charge rule is no longer blocked. The new rule will go into effect on February 24th, 2020. The new rule will not be retroactive, so any additions to the Public Charge test added in the new rule won't be applied to anyone until after February 24th, 2020.**

The new Public Charge rule DOES NOT apply to everybody.

Generally, the Public Charge rule only applies to:

- People who are seeking admission or re-admission into the U.S.
- People applying to adjust to Lawful Permanent Resident (LPR or green card holders) status or
- People applying for visa extensions/renewals.

Many immigrants who qualify for public benefits are exempt from the Public Charge test.

These are some of the types of immigrants who **do not** have to worry about Public Charge, **as long as they don't leave the U.S. for more than 6 months:**

- Refugees
- Asylees
- People who are already LPRs (green card holders) including those renewing their LPR card
- VAWA (Violence Against Women Act) self-petitioners
- T or U Visa applicants/holders (some survivors of trafficking, domestic violence, or other crimes)
- Special immigrant juveniles
- Active military duty families, and others.

The new Public Charge rule is clear that benefits received only by an immigrant's family members (children or others) DO NOT count during the immigrant's public charge test in the US.

The new Public Charge rule DOES NOT include all public benefits.

If you are one of the few immigrants who need to worry about Public Charge, remember there are some important benefits that do not count in a Public Charge test (*see table on back*).

Some of the Benefits that can be counted in a Public Charge Test:	Some of the Benefits that cannot be counted in a Public Charge Test inside the US:
<ul style="list-style-type: none"> • SSI (Social security insurance for people without much work history) • TANF (Monthly cash for families) • Medicaid Long-Term Care • Starting February 24, 2020, the following benefits will also be considered in the Public Charge test: <ul style="list-style-type: none"> » Non-emergency Medicaid (OHP) for adults who are not pregnant » Public Housing and Section 8 subsidized housing » SNAP (food stamps) <p>Not a complete list.</p>	<ul style="list-style-type: none"> • Medicaid (OHP) for kids under 21 • Medicaid (OHP) for pregnant women, including 60 days post-partum • Emergency Medicaid (CAWEM) • Oregon’s Cover All Kids program • WIC (Nutrition assistance for women, infants, and children to age 5) • Special Education • School-based health services for school-aged kids • Social Security Retirement • School lunch • Medicare • Unemployment Insurance • Food from the food bank or food boxes <p>Not a complete list.</p>

What you can do:

Understand whether the public charge test applies to you before you drop any benefits your family needs. There is no one right answer for everyone.

- Seek advice from an immigration attorney. Find immigration attorneys at oregonimmigrationresource.org.
- Seek public benefits/public charge legal advice from Legal Aid/Oregon Law Center’s Public Benefits Hotline at **1-800-520-5292**.
- Stay informed about changes to Public Charge by checking oregonimmigrationresource.org and www.protectingimmigrantfamilies.org.