

# **PUBLIC CHARGE : WHO DOES IT APPLY TO?**

**The Trump Administration's Public Charge rule will allow Department of State and US Citizenship & Immigration Services to consider immigrants use of public benefits (SNAP, Medicare, and housing subsidies) as a negative factor in their applications for entry or adjustment of status.**

- Q. Are you and your family members U.S. citizens?**
- A.** Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.
- Q. Do you and your family members already have green cards?**
- A.** Public charge and any changes under new rules rule WILL NOT affect you when you renew your green card or apply to become a U.S. citizen. However, if you plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.
- Q. Are you applying for or have one of the following statuses? TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?**
- A.** The public charge test does NOT apply to all immigrants, including the categories listed here. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.
- Q. Does you family plan to apply for a green card or visa from inside the United States?**
- A.** The public charge test may apply to you. For those with adjustment interviews in the U.S., only the use of the public programs listed on first page will be considered in the public charge test. Your income, age, health, education, skills, family situation, and sponsor's affidavit of support will also be considered.
- Q. Does your family plan to apply for a green card or visa from outside the U.S?**
- A.** U.S. consular offices abroad use different rules in making this decision. You should talk with an expert for advice on your case before making any decisions.



## **PUBLIC BENEFITS NOT INCLUDED IN FINAL RULE**

- Benefits received by an immigrant's family members
- Benefits received by a person while in an exempt status
- Emergency medical assistance
- Medicaid for children <21 or pregnant women (+60 days post-partum)
- Disaster relief
- Entirely state, local or tribal programs (other than cash assistance)
- Children's Health Insurance Program (CHIP)
- Subsidies under the ACA
- Special Supplemental Nutrition for Women Infants and Children (WIC)
- School breakfast and lunch
- Energy Assistance (LIHEAP)
- Transportation vouchers or non-cash transportation services
- Non-cash TANF benefits
- Federal Earned Income Tax Credit and Child Tax Credit
- Veteran-specific benefits
- Student loans

*Any benefit not specifically listed in the regulation will not be considered.*