

PUBLIC CHARGE: DOES THIS APPLY TO ME?

Updated 4/1/2020

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).

In this test, officials look at all of a person’s circumstances, including income, employment, health, education or skills, family situation and whether a sponsor signed a contract (“affidavit of support”) promising to support the person.

Officials can also look at whether a person has used certain benefit programs.

CHANGES TO PUBLIC CHARGE

The government changed how it makes public charge decisions. Under the new rule, immigration officials will look more closely at factors like health, age, income, skills (including English language skills), and use of more public programs, including:

- Food Stamps (also called SNAP or EBT)
- Federal Public Housing and Section 8 assistance; Medicaid/MO HealthNet (except for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI and TANF)

Services that are not listed above will not be counted in the new public charge test. This includes WIC, school lunches, food banks, and shelters. Even under the proposed new rule, you can safely use these programs if you are eligible without it affecting a public charge decision.

CHANGES ARE IN EFFECT

The new changes went into effect on **February 24, 2020**. Services other than cash assistance and long-term care were not counted prior to February 24, 2020.

- **Programs used by your U.S. citizen children will not be used against you in a public charge decision.**

MAKING THE RIGHT CHOICE FOR YOUR FAMILY

Every family is different, and the programs that help your family might not even be part of the new changes.

An immigration attorney familiar with this issue can give you advice based on your specific situation. You can speak to an immigration attorney about your family’s situation **by contacting Legal Services of Eastern Missouri’s Immigration Law Program at (314) 534-4200, Ext. 1274 or www.lsem.org.**

PUBLIC CHARGE

- Do you and your family members already have green cards?

Public charge and any changes under this rule WILL NOT impact you.

However, if you plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.

- Are you applying for or have one of the following statuses?

U.S. Citizenship, Green card renewal, DACA renewal or TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status

The public charge test does NOT apply to some 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. **Benefits received while you are in this status will not be counted against you in the future, even if you apply for a green card on another basis.**

- Does your family plan to apply for a green card or visa from **inside** the United States?

This policy might apply to you. We recommend that you seek advice from an attorney who understands the new changes.



It is important to remember that U.S. citizen children or family members can use these benefits without it counting against you.

- Does your family plan to apply for a green card or visa from **outside** the United States?

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.



Questions? Contact Legal Services of Eastern Missouri at: 314.534.4200, Ext. 1274.