

# PUBLIC CHARGE: MAKE THE RIGHT CHOICE FOR YOUR FAMILY

#### WHAT IS PUBLIC CHARGE?

Public charge is a part of federal immigration law under which someone can be denied a visa or legal permanent residency (green card) if federal officials determine the person is "likely to become primarily dependent on the government for subsistence."

#### UNDER THE 1999 PUBLIC CHARGE GUIDANCE THAT IS IN EFFECT AS OF 3.9.21:

Federal immigration officials will look at whether there is a sufficient affidavit of support by the green card applicant's sponsor as well as other certain factors—such as financial status, health, age, and English language skill—and they will look at whether the immigrant is using or has recently used:

- Long-term institutionalization paid for by the government (such as nursing home care or mental health institutionalization)
- Cash assistance for income maintenance:
  - Supplemental Security Income (SSI)
  - Temporary Assistance to Needy Families (TANF)
  - State or local general relief or General Assistance

### Trump's 2019 public charge rule is NO LONGER IN EFFECT as of March 9, 2021

- Short-term and special purpose cash payments (such as emergency assistance or disaster relief) and institutionalization for short periods of rehabilitation are <u>NOT</u> considered in the 1999 Public Charge Guidance.
- Food and nutrition programs, including SNAP, and housing programs, such as public housing and section 8 are <u>NOT</u> considered in the 1999 Public Charge Guidance. Medicaid is considered *only* if it is used to pay for long-term care.
- Generally, benefits used by your family members, including your children should not count against you. Every family's public charge analysis is different. Many organizations are available to help.

#### Are you a community member and have a question?

- Contact the Immigrant Family Resource Program (IFRP) administered by the Illinois Coalition for Immigrant and Refugee Rights: <u>https://www.icirr.org/ifrp</u>
- Call ICIRR's Family Support Hotline, 855-HELP-MY-FAMILY (855-435-7693)
- Visit www.protectingimmigrantfamiliesillinois.org

#### Are you a staff member and have a question?

- Register as a HelpHub user! HelpHub is a *free* online community where organizational staff members in Illinois can ask questions about public charge and immigrant eligibility for public benefits: enroll at: <u>http://helphub.povertylaw.org</u>
- Email pifillinois@povertylaw.org

Protecting Immigrant Families-Illinois | www.protectingimmigrantfamiliesillinois.org | pifillinois@povertylaw.org AIDS Foundation of Chicago, Asian Human Services, Elevate Energy, Erie Family Health Center, Catholic Charities Dioceses of Joliet, DuPage Federation, Greater Chicago Food Depository, Health & Medicine Policy Research Group, Healthy Illinois Campaign, Housing Action Illinois, Illinois Chapter – American Academy of Pediatrics, Illinois Coalition for Immigrant and Refugee Rights, Latino Policy Forum, Legal Aid Society of Metropolitan Family Services, Legal Council for Health Justice, National Immigrant Justice Center, Ounce of Prevention Fund, Shriver Center on Poverty Law, University YMCA



## PUBLIC CHARGE: DOES THIS APPLY TO ME?

Do you and your family members already have green cards?

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

U.S. citizenship, green card renewal, DACA, TPS, U or T visa, asylum or refugee status, or Special Immigrant Juvenile Status

Does your family plan to apply for a green card or visa from <u>inside</u> the United States?

Does your family plan to apply for a green card or visa from <u>outside</u> the United States? Public charge and any changes under this rule <u>WILL NOT</u> impact you.

Public charge does <u>NOT</u> apply to many 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.

Use this online screening tool to understand which immigrants face a public charge test. The website lists the federal names of the benefit programs:

•Go to <u>https://keepyourbenefits.org/en/na/</u> (English) •Go to <u>https://keepyourbenefits.org/es/na/</u> (Spanish) •Go to <u>https://keepyourbenefits.org/cn/na/</u> (Chinese)

Decisions about applications for admission or LPR status processed outside the U.S. (at embassies or consular offices abroad) are made by State Department (DOS) officials. The DOS public charge rule affects people seeking immigrant and nonimmigrant visas and people seeking to be admitted to the U.S. as LPRs. THE STATE DEPARTMENT PUBLIC CHARGE RULE IS NOT IN EFFECT; IT WAS BLOCKED BY FEDERAL COURT

