



PUBLIC CHARGE: GETTING THE HELP YOU NEED

UPDATED SEPTEMBER 2019

The information provided below is based on analysis by the Protect Immigrant Families Campaign of the final public charge rule on inadmissibility and is not legal advice. For information about a specific case, please contact an immigration attorney. You can find more legal information at ilapmaine.org. For more information about public benefit programs, visit mejp.org.

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 (in the past, only cash assistance and long-term care were counted).

CHANGES TO PUBLIC CHARGE

The government is changing how it makes public charge decisions. Immigration officials will look more closely at factors like health, age, income, skills (including English language skills), and use of more public programs, including:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (except for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI, TANF, General Assistance)

***Services that are not listed above will not be counted in the new public charge test. This includes WIC, CHIP, school lunches, food banks, and shelters. You can safely use these programs if you are eligible without it affecting 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. We know that you are worried given our current political climate—but the more we know about our rights, the harder it is for Trump to intimidate us. There are lots of people and organizations that can help you. An immigration attorney familiar with this issue can give you advice based on your specific situation. There are organizations in Maine that can also help. You can find more legal information at ilapmaine.org or call 207-780-1593. For more information about programs to help you meet your basic needs visit: Maine Equal Justice at mejp.org or call 1-866-626-7059.

CHANGES ARE NOT IN EFFECT YET

The new changes will not be used by immigration officials until October 15, and will apply only to applications that are postmarked or submitted electronically on or after October 15, 2019. If you are applying for a green card in the U.S. right now, use of the non-cash benefits listed above will not be in a public charge test. And, it’s possible that the rule will be blocked or delayed later with legal challenges.

- The rule will also not count any programs (other than cash or long-term care) used before October 15, 2019. You still have time to decide about whether or not to stay enrolled in public programs that help your family.
- Programs used by your U.S. citizen children will not be used against you in a public charge decision.

AUGUST 14, 2019

Final rule published in the Federal Register

AUGUST 14, 2019 – October 15, 2019 (60 DAY PERIOD)

Legal challenges are being put forward to stop the rule. You also have time to speak to an expert about your situation. Fight fear with facts – KNOW YOUR RIGHTS!

OCTOBER 15, 2019

Effective date of the new changes

PUBLIC CHARGE: DOES THIS APPLY TO ME?

