

Public charge changes

Information that may be useful when working with immigrant families

The new public charge test will assess if a person is likely to rely on public assistance or long-term care in the future. The government will consider a variety of characteristics and factors. Applicants will be found inadmissible if they are found to be more likely than not to become a public charge.

Characteristics that will be considered:

- Age – Negatives are under 18 and over age 61. Working age is a positive
- Health
- Family status
- Financial status - Below \$26,663 for a family of three is a negative; above \$53,325 for a family of three is a positive
- Education or skills
- Affidavit of support

Heavily weighted factors include:

- Having received or being approved to receive one or more of the following public benefits for more than 12 months in the aggregate*, including:
 - Supplemental Nutrition Assistance Program (SNAP, of food stamps)
 - Medicaid – Adults over age 21, only (pregnant mothers are exempt)
 - Federal, state, local or tribal cash assistance programs
 - Housing assistance
 - Cash assistance for income maintenance
- * “In the aggregate” means *each service* is counted. If you received 2 services, each for 1 month, they would be counted as 2 months of services
- Having a medical condition likely to require extensive treatment or institutionalization and being uninsured or lacking financial resources to pay for costs associated with the condition
 - DDA services are Medicaid long-term services. Other supports for people with disabilities, such as personal care or respite, could be also factored against an adult if paid for by Medicaid

Public charge comes up when a person:

- Applies to enter the U.S.
- Applies to become a Lawful Permanent Resident (obtain a green card)
- A green card holder leaves the U.S. for more than 180 consecutive days (6 months) and reenters

The new public charge test does not apply to every immigrant. **It does not apply to:**

- Current green card holders
- Refugees and asylees
- Survivors of trafficking, domestic violence, or other serious crimes
- VAWA self-petitioners
- Special immigrant juveniles and several other categories of other non-citizens

Benefits received when people are in one of these statuses will not be counted against them.

Lawful permanent residents (green card-holders) are not subject to a public charge test when they apply for U.S. citizenship.

The new rule takes effect October 15, 2019

- Benefits used by family members will not be counted unless they are also applying for a green card
- Individuals and families who have questions should consult an immigration attorney, so they understand their rights. Everyone's situation is different
- Use of public benefits alone will not make you a public charge, but they could be a heavily weighted factor in an application for legal status

Resources

Getting the Help You Need

(Resource for people who work directly with immigrant families):

<https://protectingimmigrantfamilies.org/wp-content/uploads/2019/08/Getting-the-Help-You-Need-Updated-August-2019.pdf>

Changes to Public Charge Inadmissibility Rule: Implications for Health and Health Coverage:

<https://www.kff.org/disparities-policy/fact-sheet/public-charge-policies-for-immigrants-implications-for-health-coverage/>

Our position:

The Arc opposes the public charge rule change because it targets people with disabilities and would inhibit use of important public health supports. Analysis shows decreased participation in public benefit programs would contribute to more uninsured individuals and negatively affect the health and financial stability of families and the growth and healthy development of their children.