PROTECTING IMMIGRANT FAMILIES ILLINOIS

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 green card if federal officials determine that the person is likely to rely on government support for their livelihood.

FINAL RULE

EFFECTIVE OCTOBER 15, 2019, the federal government will change how it makes public charge decisions. Once effective, immigration officials will look more closely at certain factors—such as financial status, health, age, and English language skill—and they will determine if an immigrant is using or likely to use

- **Medicaid (EXCEPT FOR emergency Medicaid, Medicaid for pregnant women and people under 21 years old (All Kids, Moms & Babies), or services under the Individuals with Disabilities Education Act)**
- **Supplemental Nutrition Assistance Program (SNAP, "EBT" or "Food Stamps")**
- **Federal Public Housing and Section 8 Assistance**
- **Cash assistance (TANF, SSI, General Assistance)**

Immigration officials handling visa and green card applications in other countries are already asking more questions about income and resouces of immigrants and sponsors. But those changes do not affect immigration decisions made in the U.S.

GET HELP MAKING THE RIGHT CHOICE

- The rule was finalized August 14, 2019 but does not take effect until October 15, 2019. Until October 15, the list of new benefits (Medicaid, SNAP, federal housing programs) will not count towards the public charge test.
- For those who will be subject to the public charge test, the 60-day transition period can be used to gather information from a trusted organization to help inform your decision about whether or not to stay enrolled in public benefits included in the new test.
- Generally, benefits used by your U.S. citizen children should not count against you; however, your overall household financial status will be considered in the public charge test.
- Every family's public charge analysis is different, and the programs that help your family might not even be covered by the government's changes.
- Many organizations are available to help. An immigration attorney familiar with this issue can give you advice based on your specific situation. Local nonprofits may also be able to provide help and legal advice.

To find help in your area, visit:
www.immigrationadvocates.org/nonprofit/legaldirectory or www.icirr.org/ifrp

Protecting Immigrant Families-Illinois pifillinois@povertylaw.org

AIDS Foundation of Chicago, Asian Human Services, Elevate Energy, Erie Family Health Center, 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

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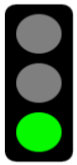
PUBLIC CHARGE: DOES THIS APPLY TO ME?

Do you and your family members already have green cards?

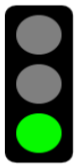
Public charge and any changes under this rule WILL NOT impact you. However, if you plan to leave the U.S. for more than 6 months, it is a good idea to talk with an immigration attorney first.



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

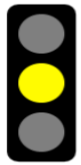
U.S. Citizenship, Green card renewal, DACA renewal or TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status

Public charge does NOT 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.



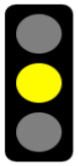
Does your family plan to apply for a green card or visa from inside the United States?

You should talk with an expert for advice on your case before making any decisions. To find help in your area, visit: https://www.immigrationadvocates.org/nonprofit/legaldirectory or http:/www.icirr.org/ifrp



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

You should talk with an expert for advice on your case before making any decisions. For free or low-cost options near you visit: www.immigrationadvocates/nonprofits/legaldirectory or www.icirr.org/ifrp



For more updates and resources or to request a free Public Charge 101 training or webinar EMAIL us:
pifillinois@povertylaw.org This information is current as of August 15, 2019