



PUBLIC CHARGE IN 4 SLIDES

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Only an immigration attorney can help determine what someone's immigration status is and provide legal guidance.

Please note that this presentation, information, and resources are not intended as legal advice and are as accurate as possible at the time of the presentation, but things change often and quickly, so please consult with your immigration and/or public benefits attorney.

IMPORTANT DISCLAIMERS

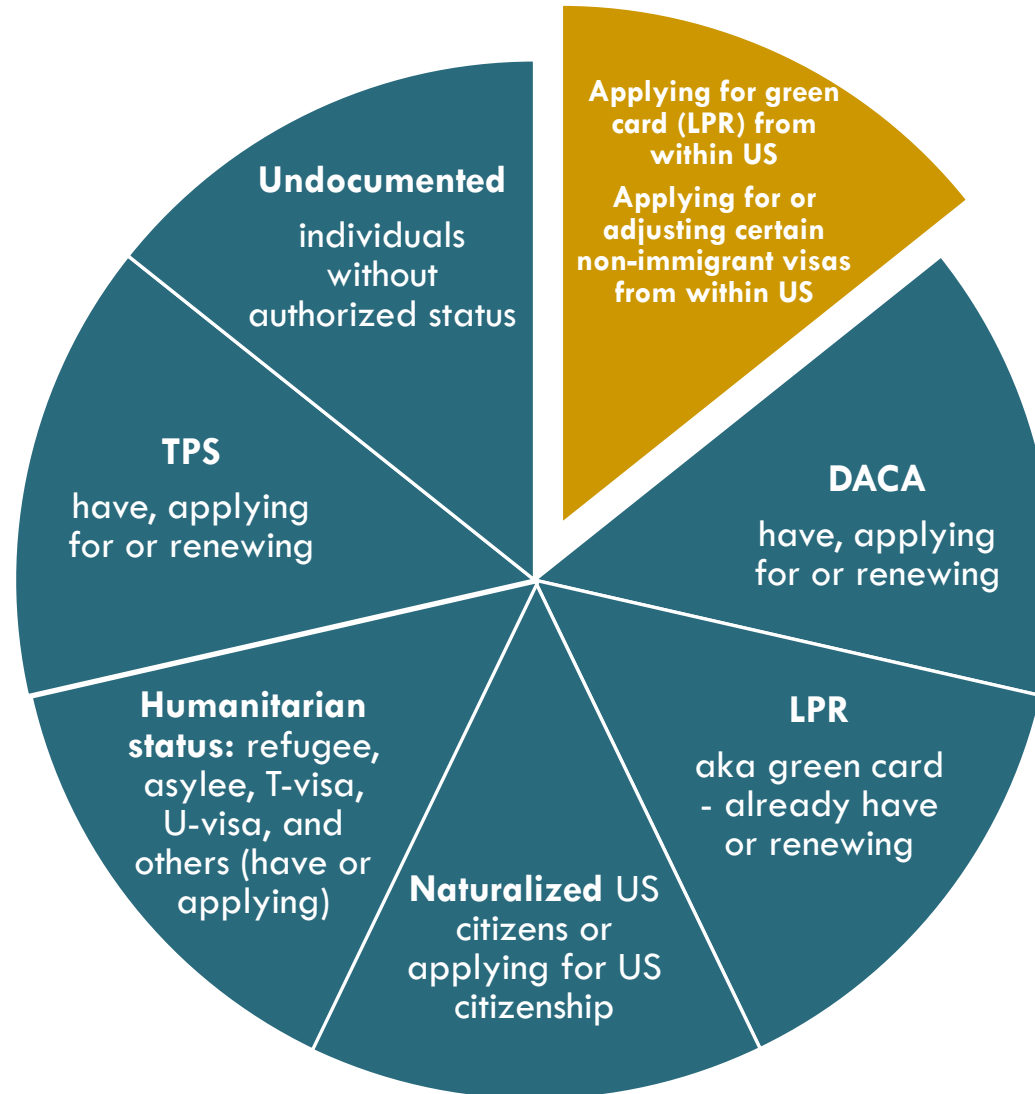
1. Public Charge

Public charge is used by the Department of Homeland Security (DHS) to determine whether individuals applying for a visa or adjustment of status to lawful permanent residence (green card) would be **likely** to depend on the government for support.

Effective Feb 24th, 2020, these changes allow for additional benefits and factors like income, health and age to be considered in making this determination. It is important to keep in mind that **many people are not subject to the public charge test or do not qualify for the benefits counted under the rule and that the use of newly added benefits is only one of many factors** taken into consideration.

-Massachusetts League of Community Health Centers

2. Most immigrants are NOT subject to public charge



Orange = subject to public charge

Blue = not subject to public charge

3. Many benefits are NOT subject to public charge



NOT part of public charge

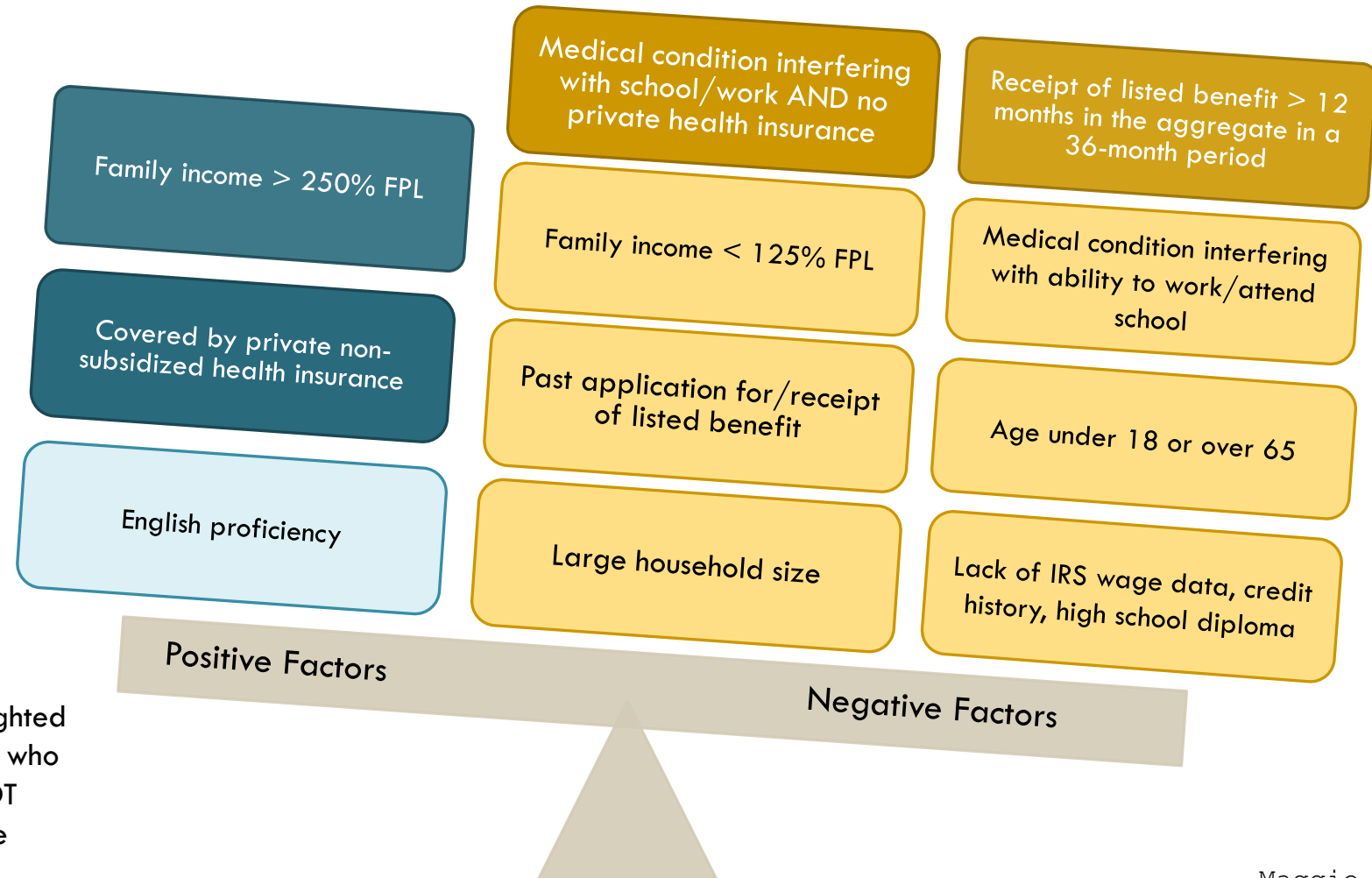
- ACA tax credits
- Benefits received by family members
- CHIP: Children's Health Insurance Program
- CMSP: Children's Medical Security Plan
- Family Assistance
- Health Connector coverage
- HSN: Health Safety Net
- Housing funded by state, city, local entities
- MassHealth Limited: emergency Medicaid
- Medicare and Part D subsidies
- Prenatal care and \leq 60-days postpartum
- School-based nutrition services
- Sliding scales at health centers
- Unemployment insurance
- WIC: Women Infants & Children



Part of public charge

- Cash Assistance:
TANF, SSI, SSDI, EAEDC, DTA
- Housing with federal funding:
Section 8
- Long-Term Care:
At government expense
- Non-Emergency Medicaid
Unless $>$ 21 years old; pregnant
or $<$ 60-days postpartum
- SNAP (food stamps)

4. Use of benefits does NOT automatically make one a public charge



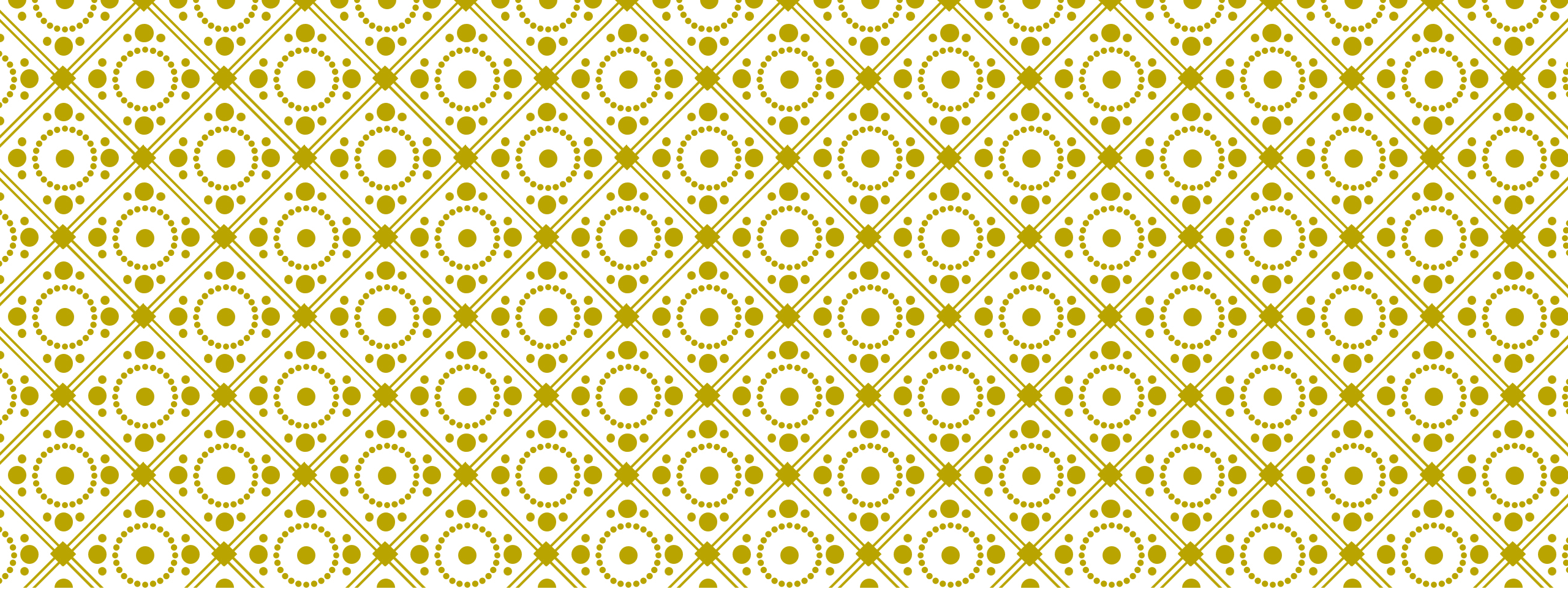
Darker boxes are more heavily-weighted
Note: If you have a **family member** who receives public benefits, that will NOT count toward your own public charge determination

Take-Aways

1. Most immigrants are *not* subject to the new rule
2. Many programs are *not* included in public charge determination
3. Use of benefits will *not* automatically make someone a public charge
4. Benefits used by family members *won't* count toward a public charge determination in the US
5. Be familiar with your local and reliable immigration legal services/resources



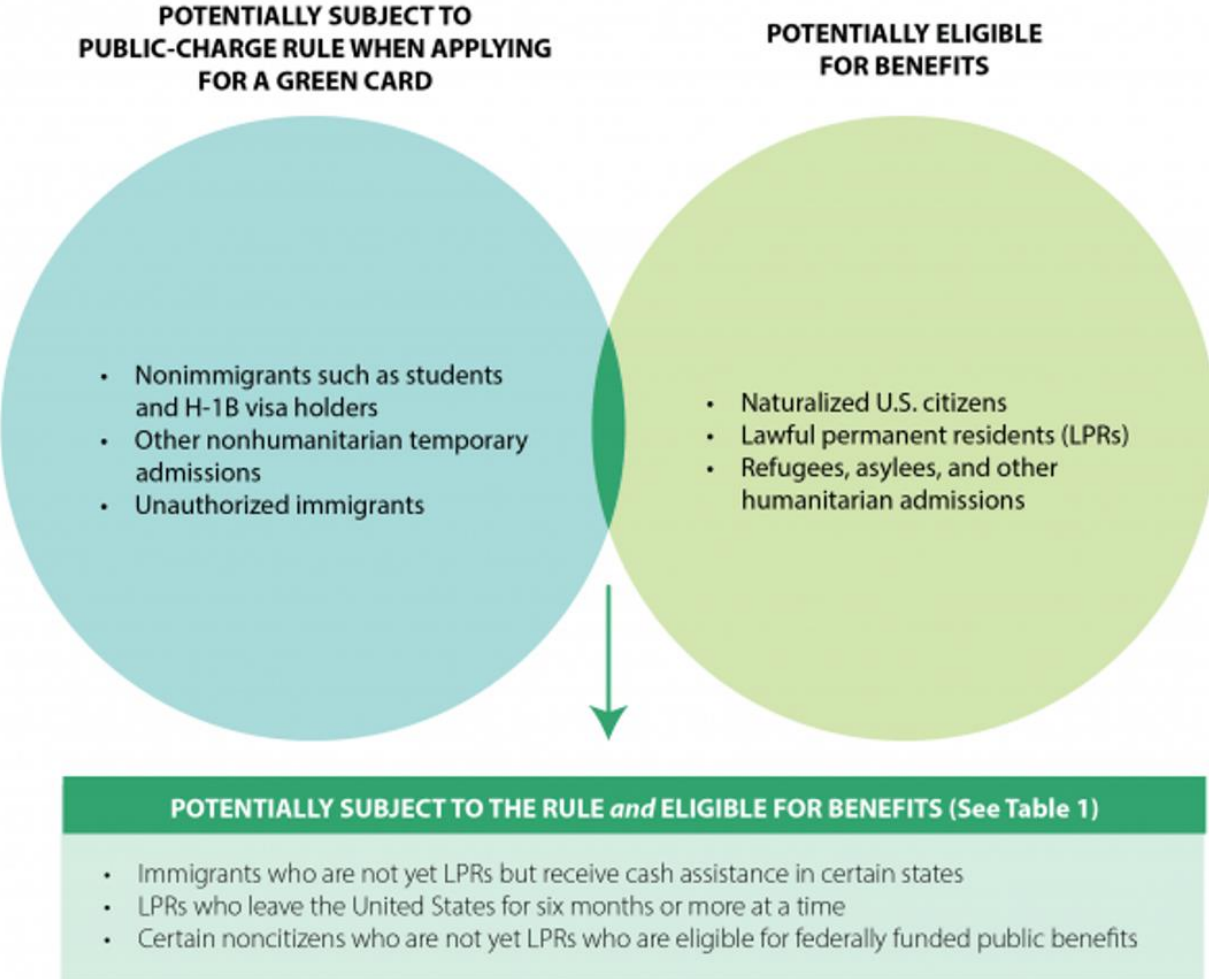
Art credit: Yesenia Mejia



BONUS SLIDES

There is **limited overlap** between immigrants who are potentially subject to public charge and their eligibility for named benefits

Figure 1. Immigrants Who Could Be Denied Green Cards Because of Current Benefit Use



* Those applying for green cards from outside the United States cannot use U.S. public benefits and are not shown in the chart.

Note: The two circles in this diagram are not to scale.

Source: Authors' rendering.

PUBLIC CHARGE: DOES THIS APPLY TO ME?

UPDATED FEBRUARY 2020

MAKE THE RIGHT CHOICE FOR YOU AND YOUR FAMILY



Public charge does not apply to all immigrants. Every family is different, and the programs that help your family might not be part of new changes to the policy. **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. Local non-profits may also be able to provide help and legal advice.

WHAT IS PUBLIC CHARGE?

Some people who apply for a green card (lawful permanent residence) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to use certain government services in the future. In making this determination, immigration officials review all of a person’s circumstances, including their age, income, health, education or skills (including English language skills), and their sponsor’s affidavit of support or contract. They can also consider whether a person has used certain public programs.

DHS’ new public charge test considers:

- 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)

Most people who are subject to the new rule are not eligible for the above listed benefits. Services that are not listed above will not be counted in the public charge test. This includes WIC, CHIP, school lunches, food banks, shelters, state or local health care programs, and many more.



FOR MORE RESOURCES GO TO WWW.PROTECTINGIMMIGRANTFAMILIES.ORG

PUBLIC CHARGE: DOES THIS APPLY TO ME?

UPDATED FEBRUARY 2020



Are you and your family members U.S. citizens?

Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.



Do you and your family members already have green cards?

Public charge and any changes under new rules WILL NOT affect you when you renew your green card or apply to become a U.S. Citizen. 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? *TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?*

The public charge test does NOT apply to all 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.



Do you plan to apply for a family-based green card?

Only the use of the public programs listed on first page will be considered in the public charge test. Your income, age, health, education, skills, family situation, and sponsor’s affidavit of support will also be considered. You should talk with an expert for advice on your case before making any decisions. *For free or low-cost options in your area, go to:* <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.



FOR MORE RESOURCES GO TO WWW.PROTECTINGIMMIGRANTFAMILIES.ORG

CARGA PÚBLICA: ¿APLICA EN MI CASO?

FECHA DE ACTUALIZACIÓN: FEBRERO DE 2020

TOME LA DECISIÓN CORRECTA PARA USTED Y SU FAMILIA



La carga pública no afecta a todos los inmigrantes. Cada familia es diferente, y es posible que los programas que ayudan a su familia no formen parte de los nuevos cambios en la política. Muchas personas y organizaciones pueden ayudarlo. Un abogado especializado en inmigración que esté familiarizado con esta cuestión puede asesorarlo según su situación específica. Las organizaciones sin fines de lucro locales también pueden brindarle ayuda y asistencia legal.

¿QUÉ ES LA CARGA PÚBLICA?

Las personas que solicitan una tarjeta verde (residencia permanente legal) o una visa para ingresar a los EE. UU. deben pasar una prueba de carga pública, que evalúa la probabilidad de que usen ciertos servicios del gobierno en el futuro. Para tomar esta determinación, los funcionarios de inmigración analizan todas las circunstancias de la persona, como la edad, los ingresos, la salud, la educación o las habilidades (incluidas las habilidades en el idioma inglés) y la declaración jurada de apoyo económico o contrato del patrocinador. También pueden considerar si la persona ha usado ciertos programas públicos.

La nueva prueba de carga pública considera lo siguiente:

- Programa de Asistencia Nutricional Suplementaria (SNAP, EBT o cupones de alimentos)
- Asistencia Federal de Viviendas Públicas y Sección 8
- Medicaid (salvo los servicios de emergencia, niños menores de 21 años, mujeres embarazadas y madres de recién nacidos)
- Programas de asistencia en efectivo (como SSI, TANF, Asistencia General)

La mayoría de las personas sujetas a la nueva regla no son elegibles para los beneficios mencionados anteriormente. Los servicios que no se mencionan arriba no se tendrán en cuenta en la prueba de carga pública. Estos incluyen el WIC, el CHIP, los almuerzos escolares, los bancos de alimentos, los refugios, los programas de salud estatales o locales, y muchos más.



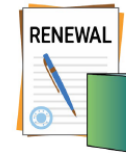
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CARGA PÚBLICA: ¿APLICA EN MI CASO?

FECHA DE ACTUALIZACIÓN: FEBRERO DE 2020



¿Usted y los integrantes de su familia son ciudadanos estadounidenses? La carga pública **NO** se aplica a su caso. Debe continuar con la inscripción en programas para los que cumpla los requisitos.



¿Usted y los integrantes de su familia ya tienen tarjetas verdes? La carga pública **NO** se aplica cuando renueva la tarjeta verde o se postula para convertirse en ciudadano estadounidense. Sin embargo, si tiene previsto no estar en el país durante más de seis meses, le recomendamos que consulte a un abogado especialista en inmigración.



¿Solicita o ya tiene alguna de las siguientes condiciones de inmigración? *Protección provisoria (TPS), visa tipo U o T, refugiado o asilo político, inmigrante especial menor de edad?* La carga pública **NO** se aplica a las personas que solicitan a algunos estatuses de inmigración que se enumeran en este documento. Si ya tiene o está en proceso de solicitar unos de estos estatuses de inmigración, puede continuar en cualquier programa del gobierno se cumple los requisitos.



¿Tienes planes de solicitar una tarjeta verde por medio de un pariente? Es posible que la prueba de carga pública se aplique a su caso. Solo se considerará, en la prueba de carga pública, el uso de los programas públicos mencionados en la primera página. También se considerarán otros aspectos, como ingresos, edad, salud, educación, habilidades, situación familiar y la declaración jurada de apoyo económico del patrocinador. Deberías hablar con un experto sobre su caso antes de tomar una decisión. Para opciones gratuitas o de bajos costos, visite: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.



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PUBLIC CHARGE: Does It Apply to Me?

Public charge is a test to see if someone is likely to become dependent on specific government programs. The public charge rule is being challenged in multiple lawsuits. For the latest news about the status of the lawsuits, visit nyc.gov/publiccharge or call the ActionNYC hotline at 800-354-0365 from 9 a.m. to 6 p.m., Monday to Friday.

The information provided here is NOT legal advice. Call the ActionNYC hotline to learn more and to make an appointment with a trusted attorney for free counseling. The hotline is anonymous and available in over 200 languages.

You have a green card.



The public charge rule does NOT apply to you, including when you renew your green card.

However, if you plan to leave the country for more than six months, you should talk to an immigration attorney.

You are applying for OR already have one of the following statuses: **U.S. citizenship, T or U visa, asylum, refugee, special immigrant juvenile, VAWA self-petitioner.**



The public charge rule does NOT apply to you.

You can continue to use any government programs that you qualify for. The benefits received while you are in this status will not be counted against you, even if you apply for a green card on another basis.

You or your family member **plan to apply for a green card, apply for a visa, or renew a visa from inside the United States.**



Get an immigration consultation.

You still may not be subject to the public charge test. Even if you are subject to the test, the public benefits you receive may not be considered as part of the test. In addition, the test does not apply if you are renewing Temporary Protected Status (TPS) program or the Deferred Action for Childhood Arrivals (DACA) program.

You or your family member **plan to apply for a green card, apply for a visa, or renew a visa from outside the United States.**







Get an immigration consultation.

There is a separate public charge rule and guidance for green card and visa applications filed *outside* the U.S. Check with an immigration attorney to get the latest information on public charge-related guidelines. If you don't have an attorney, call the ActionNYC hotline at 800-354-0365.

CONTINUED ►

Public Charge: Get Health Care Without Fear

The public charge rule is being challenged in multiple lawsuits. For the latest news about the status of the lawsuits, visit the website nyc.gov/publiccharge or call the ActionNYC hotline at 800-354-0365.

	Impact From Public Charge	Action You Could Take
Receiving care at NYC Department of Health Clinics, NYC Health + Hospitals, Community Health Centers	Receiving health care is not a public benefit identified by the public charge rule. If you are subject to the public charge rule, taking care of your health now could strengthen your immigration application later.	 Get care without fear!
Medicaid	Many immigrants, including asylees, refugees, certain victims of violence, and people that already have green cards are not subject to the public charge rule. DACA recipients are eligible for state-funded Medicaid, which is not a public benefit identified by the public charge rule.	 Most New Yorkers eligible for Medicaid can enroll without concern for public charge. Get an immigration consultation by calling the ActionNYC Hotline at 800-354-0365.
Emergency Medicaid, Medicaid for Pregnant Women, Essential Plan, Child Health Plus, or a Qualified Health Plan	These are not public benefits identified by the public charge rule. Parents are not penalized for their children enrolling in Child Health Plus or other benefits.	 Enroll without fear!
NYC Care, H+H Options, Charity Care at Hospitals, or Community Health Centers With a Sliding Fee Scale	These services are not public benefits identified by the public charge rule.	 Enroll without fear!

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If you think the public charge rule might impact you or a family member, call the ActionNYC hotline at 800-354-0365.



<125% = negative factor
for public charge

≤138% = eligible for
state-expanded Medicaid

>250% = positive factor
(heavily weighted) for
public charge

Poverty Guidelines, all states (except Alaska and Hawaii)														
2020 Annual														
Household /Family Size	50%	*100%*	125%	130%	133%	135%	138%	150%	175%	185%	200%	250%	300%	400%
1	6,380	\$12,760	15,950	16,588	16,971	17,226	17,609	19,140	22,330	23,606	25,520	31,900	38,280	51,040
2	8,620	\$17,240	21,550	22,412	22,929	23,274	23,791	25,860	30,170	31,894	34,480	43,100	51,720	68,960
3	10,860	\$21,720	27,150	28,236	28,888	29,322	29,974	32,580	38,010	40,182	43,440	54,300	65,160	86,880
4	13,100	\$26,200	32,750	34,060	34,846	35,370	36,156	39,300	45,850	48,470	52,400	65,500	78,600	104,800
5	15,340	\$30,680	38,350	39,884	40,804	41,418	42,338	46,020	53,690	56,758	61,360	76,700	92,040	122,720
6	17,580	\$35,160	43,950	45,708	46,763	47,466	48,521	52,740	61,530	65,046	70,320	87,900	105,480	140,640
7	19,820	\$39,640	49,550	51,532	52,721	53,514	54,703	59,460	69,370	73,334	79,280	99,100	118,920	158,560
8	22,060	\$44,120	55,150	57,356	58,680	59,562	60,886	66,180	77,210	81,622	88,240	110,300	132,360	176,480
9	24,300	\$48,600	60,750	63,180	64,638	65,610	67,068	72,900	85,050	89,910	97,200	121,500	145,800	194,400
10	26,540	\$53,080	66,350	69,004	70,596	71,658	73,250	79,620	92,890	98,198	106,160	132,700	159,240	212,320
Poverty Guidelines, all states (except Alaska and Hawaii)														
2020 Monthly														
Household /Family Size	50%	*100%*	125%	130%	133%	135%	138%	150%	175%	185%	200%	250%	300%	400%
1	532	\$1,063	1,329	1,382	1,414	1,436	1,467	1,595	1,861	1,967	2,127	2,658	3,190	4,253
2	718	\$1,437	1,796	1,868	1,911	1,940	1,983	2,155	2,514	2,658	2,873	3,592	4,310	5,747
3	905	\$1,810	2,263	2,353	2,407	2,444	2,498	2,715	3,168	3,349	3,620	4,525	5,430	7,240
4	1,092	\$2,183	2,729	2,838	2,904	2,948	3,013	3,275	3,821	4,039	4,367	5,458	6,550	8,733
5	1,278	\$2,557	3,196	3,324	3,400	3,452	3,528	3,835	4,474	4,730	5,113	6,392	7,670	10,227
6	1,465	\$2,930	3,663	3,809	3,897	3,956	4,043	4,395	5,128	5,421	5,860	7,325	8,790	11,720
7	1,652	\$3,303	4,129	4,294	4,393	4,460	4,559	4,955	5,781	6,111	6,607	8,258	9,910	13,213
8	1,838	\$3,677	4,596	4,780	4,890	4,964	5,074	5,515	6,434	6,802	7,353	9,192	11,030	14,707
9	2,025	\$4,050	5,063	5,265	5,387	5,468	5,589	6,075	7,088	7,493	8,100	10,125	12,150	16,200
10	2,212	\$4,423	5,529	5,750	5,883	5,972	6,104	6,635	7,741	8,183	8,847	11,058	13,270	17,693

SUGGESTED RESOURCES

- [Protecting Immigrant Families](#) (PIF)
- [Health Care for All](#) (HCFA)
- [Massachusetts Law Reform Institute](#) (MLRI)
- Your [state primary care association](#)
 - [Massachusetts League of Community Health Centers](#)
- [National Association of Community Health Centers](#) (NACHC)
- [National Health Center Immigration Workgroup](#)

The Final Public Charge Admissibility Rule: Implications for Massachusetts

SEPTEMBER 2020



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