

## What is the New Public Charge Rule?

- The Public Charge Rule is a test immigration officials use when someone applies for entry to the U.S. or their green card for the first time to make sure they will not become a burden on the U.S. government.
- Under the rule, immigration officials look to all of the applicant's circumstances such as income, employment, education, skills, and use of certain limited public benefits, (such as cash assistance or SSI) to determine whether they are likely to be a "public charge."
- Under the new rule, a "public charge" is someone who receives or is likely to receive 12 months of public benefits in a 3 year period. (NOTE: Receiving two different benefits, such as SNAP and cash assistance, in one month would count as receiving benefits for two months).
- Under the new rule, immigration officials can now consider whether a person applying to enter the U.S. or applying for their green card for the first time has used certain benefit programs including SNAP (a.k.a. food stamps), Section 8 Housing or other federal public housing assistance, Medicaid/Husky, and Cash Assistance (SSI, TANF, General Assistance).
- The Public Charge Rule does not apply to everyone. Please see the other side of this flyer to determine whether you may be affected by the new rule.

## What programs do not count toward a public charge determination?

- HUSKY/Medicaid for children & youth under age 21, HUSKY for pregnant/post-partum women, Qualified Health Plans with Advance Premium Tax Credits, Emergency Medicaid, LIHEAP energy assistance, School lunch and breakfast programs, WIC, Child care subsidies, School-based health services, Head Start and public education

## When will the new rule go into effect?

- The rule will go into effect February 24, 2020 and will apply to all applications postmarked on or after that date. Immigration officials will not consider receipt of the newly added public benefits (e.g. SNAP/food stamps, Section 8 Housing or other federal public housing assistance, Medicaid/Husky, and Cash Assistance such as SSI, TANF, General Assistance) before that date.
- There are still court cases challenging this rule, but for now, the rule will go into effect February 24, 2020.

## Can I still get SNAP (food stamps) and HUSKY (insurance) for my US citizen children?

- **Yes.** It is still safe to apply for and receive benefits, including SNAP and HUSKY insurance, for U.S. citizen children, even if you do not qualify for these benefits yourself.
- The rule does not count or consider benefits received by U.S. citizen children.

## Should I stop or disenroll from benefits now?

- If you are worried about continuing to receive public benefits you should consult an Immigration attorney who can give you advice based on your specific situation.
- Visit <http://ctlawhelp.org> for a list of free or low cost legal service providers.

Note: It is always important to provide accurate information when applying for public benefits.

In the greater Hartford area you can contact Greater Hartford Legal Aid for more information at 860-541-5000. Attorney Giovanna Shay is responsible for the content of this flyer.

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Greater Hartford Legal Aid

## Does the Public Charge Rule Apply to Me?

\* Public Charge is assessed at the time of application for admission (entering the U.S.) or adjustment (applying for a green card).

### Where the Public Charge Rule does **NOT** apply:

I am applying for Citizenship (naturalizing)



The Public Charge Rule does **NOT** apply to me

I already have a green card and am applying for renewal



The Public Charge Rule does **NOT** apply to me

I am or will be applying for a green card based on an approved U Visa, T Visa, VAWA Self Petition, Special Immigrant Juvenile (SIJ) status, Asylum status, or Refugee status



The Public Charge Rule does **NOT** apply to me

### Where the Public Charge Rule **MAY** apply:

I have a green card but am leaving the U.S. for 6 months or more



The Public Charge Rule **MAY** apply to me when I come back to the U.S. Speak to an immigration attorney before leaving the U.S.

I am or will be applying for a green card and am not applying based on an approved U Visa, T Visa, VAWA Self Petition, Special Immigrant Juvenile (SIJ) status, Asylum status, or Refugee status. (Ex. I am applying based on a family petition)



The Public Charge Rule **MAY** apply to me and certain federal benefits may be considered (See reverse). Speak to an immigration attorney about your options.

I currently have DACA or TPS



The Public Charge Rule is not used to assess eligibility when applying for DACA, TPS or a renewal of DACA or TPS. The Public Charge Rule **MAY** apply to me if I am planning to apply for a green card in the future based on another type of application. Speak to an immigration attorney about your options.