

What is the 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.
- Under the Public Charge 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" (someone primarily dependent on the government for their basic needs)

What are the changes to the Public Charge Rule?

- Under the changes to the Public Charge Rule, immigration officials could now consider whether the applicant for a first time green card has used certain benefit programs such as SNAP, EBT or Food Stamps, Section 8 Housing or other federal public housing assistance, Medicaid/Husky, and Cash Assistance (SSI, TANF, General Assistance).
- An immigrant would be considered a "public charge" if he or she received 12 months of public benefits in the course of 3 years. (Note: Receiving two benefits in one month would count as receiving benefits for two months).

When will the new rule go into effect?

- The new Public Charge Rule was blocked by federal judges from going into effect. **This means, it is currently safe for immigrants to get most public benefits**. The government **can** still look at whether an immigrant has used Cash Assistance and government funded long-term institutional care when looking at an application for a first time green card.
- **However, right now the government CANNOT consider whether an applicant has used SNAP, EBT, Food Stamps, Section 8 Housing or other Federal Public Housing Assistance or HUSKY.**

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

- Yes. It has been and will continue to be safe to apply for SNAP and HUSKY insurance for your U.S. citizen children, even if you do not qualify for these benefits yourself. The new Public Charge Rule will not change this.

Will this situation for immigrants change?

- Unfortunately, the situation **can** change and the block against the new Public Charge Rule **can** be lifted. Visit <http://ctlawhelp.org> for the most up to date and accurate information regarding the status of the Public Charge Rule and how you may be impacted.

Should we stop or disenroll from benefits now?

- At this time, families do **NOT need to** disenroll or stop applying for benefits such as SNAP, HUSKY or housing assistance.
- If the block is lifted, and 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.

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.

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 if the proposed rule goes into effect (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.

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