

# UPDATED GUIDANCE REGARDING THE PUBLIC CHARGE RULE

## WHAT IS PUBLIC CHARGE?

It is an immigration policy that determines whether a person could be denied a green card, visa, or admission to the U.S. based on if they would be reliant on particular types of public benefits.

## WHEN DID THE NEW RULE GO INTO EFFECT?

The new public charge policy for some green card and visa applicants became effective on **February 24, 2020**. On July 29, 2020 the U.S. District Court for the Southern District of New York issued a nationwide preliminary injunction in a case blocking the Department of Homeland Security (DHS) from enforcing the Trump administration's new public charge rule during the period of the declared public health emergency related to the COVID-19 pandemic. On **August 12, 2020**, a judge on the 2nd Circuit narrowed the district court's order by indicating that the injunction will apply only within the states in the 2nd Circuit (**New York, Connecticut and Vermont**).

**MOST IMMIGRANTS WILL NOT BE AFFECTED  
(REGARDLESS OF THE STATE YOU RESIDE IN).**

## WHO IS NOT AFFECTED?

If you are a U.S. Citizen, already have a green card, or are applying for or have TPS, a "U" or "T" visa, or Special Immigrant Juvenile Status.

## WHO IS AFFECTED?

**The new Public Charge regulations apply only to some people who are applying for a family-sponsored green card or visa.**

**If you submitted a green card before February 24th, 2020 these benefits WILL be considered:**

- SSI or disability benefits
- Temporary Assistance for Needy Families (TANF)
- State relief or general assistance
- Benefits provided for institutionalization for long-term care

**If you submitted a green card application after February 24th, 2020 these benefits WILL ALSO be considered (if you live in New York, Connecticut, or Vermont these additional public benefits will NOT be considered during the period of the declared public health emergency related to the COVID-19 pandemic):**

- Medicaid (for those over 21) except for emergency services, children under 21 years, pregnant women, and new mothers
- Supplemental Nutritional Assistance Program (SNAP, formerly called food stamps). Does not apply to WIC program (food assistance for women, infants, and children)
- Section 8 Housing Vouchers
- Public Housing

**It is important to note that use of public programs does not automatically make you a public charge.**

- Immigration officials look at age, health, income, assets, resources, education/skills, family you must support, and family who will support you in addition to your use of certain government benefits and you will have a chance to show why you are not likely to rely on certain benefits in the future.