

# THE NEW RULE ON “PUBLIC CHARGE”



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## What you Need to Know\*

### What is Public Charge?

A test to determine if someone applying for permanent residence through a relative (or a visa to enter the United States) is likely to depend on public benefits in the future.

The new rule MAY affect the eligibility of people who already receive public benefits to obtain a green card through a family petition.

### The Rule Does NOT Apply IF you have:

- Approved Refugee/Asylee status.
- Approved or pending U Visa, T Visa, VAWA, and SIJS.
- Other humanitarian-based immigration status.
- You gained one of the statuses listed above through a family member.

**PUBLIC  
CHARGE**

### If you already have a green card through a family petition:

- You will not be affected as long as you don't travel abroad for more than 180 days consecutively.
- There is no public charge test to renew a green card or apply for citizenship.

If you are not eligible to apply for a green card now or in the near future, there is no reason to give up needed benefits.

### DACA or TPS

- The new rule will not affect your ability to apply for or renew DACA or TPS.
- However, if your family member petitions for you to get a green card in the future, the new rule MAY affect you.

 Do not disenroll from public benefits before talking with an immigration attorney! 

\*We are grateful to the Immigrant Legal Resource Center (ILRC) for their trainings and materials on public charge.

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## When the Rule Does Apply

If your family member petitions for you to get a green card, the new public charge rule MAY affect you if you are receiving the following public benefits:

- Medicaid or Medi-Cal (But NOT including: Emergency services; School-based benefits to children; Medicaid or Medi-Cal used by immigrant children under 21 years of age; Medicaid/Medi-Cal used by immigrants during a pregnancy and up to 60 days after the end of pregnancy)
- Food Stamps/SNAP (federally funded CalFresh)
- Section 8 housing assistance and project-based rental assistance
- Subsidized housing
- Long-term care paid by government
- Cash assistance (TANF, SSI, and State or locally funded cash assistance)



If your family member is planning to petition for you to get a green card –

**make an appointment for a consultation  
with an immigration attorney ASAP!**



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**Exceptions:** If you are getting a green card through a refugee/asylee relative petition or derivative status for U-Visa, T-Visa, or VAWA through a family member, the rule does NOT apply to you.

## Other Important Information

- The new rule **does not** apply to green card applications filed before February 24, 2020. Applications currently pending with USCIS will not be affected by the new rule either.
- If you are currently eligible to receive public benefits, you'll remain eligible after the new rule goes into effect.
- Public benefits received by your family members **will not** affect your eligibility for a green card through an adjustment of status.

**NOTE:** This basic information is primarily intended for people already residing in the U.S., particularly EBSC clients, and does not aim to provide a legal advice to its readers. If your situation does not squarely fit into one of the descriptions here and/or you have questions, please call EBSC at 510-540-5296 to make an appointment to speak to an immigration attorney.