

IMPORTANT INFORMATION ABOUT PUBLIC BENEFITS

THE PUBLIC CHARGE CHANGES HAVE STOPPED AND IMMIGRANTS CAN ACCESS MORE ASSISTANCE PROGRAMS! The law changed on March 9, 2021.

Receiving food, medical or housing assistance will not create immigration consequences.

WHAT IS PUBLIC CHARGE?

Public charge is a test to see if certain people applying for legal permanent residence (a green card) or for those applying or renewing for certain visas have used specific government programs. Immigration officials look at all of a person's circumstances including their age, income, health, education and skills, family situation and their sponsor's affidavit of support.

The Trump administration changes to the public charge rule have been reversed, and are no longer in effect.

Public charge **ONLY** applies to the use of:

- Ongoing cash assistance, like TANF, GA, and SSI, and
- Long-term institutionalized care that is paid for by Medicaid.

There are many exceptions to the public charge test.

Public charge **NEVER** applies to:

- US Citizens, including the US Citizen children of immigrants
- People with a green card (as long as they don't leave the USA for 6 consecutive months), or asylees, refugees, people with U or T visas, VAWA beneficiaries, Temporary Protected Status (TPS), SIJS, and some other immigration categories.
- A family member's use of public programs cannot affect your future immigration applications.
- The use of health, nutrition, and housing programs cannot be considered in a public charge test.

The following programs are **NOT** a part of the public charge test:

- Medicaid (that is not long term institutional care)
- Food assistance through SNAP, WIC or the school lunch program
- Rental Assistance and Public Housing, like Section 8
- Other healthcare assistance, like COVID testing, treatment, and vaccines
- Pandemic Economic Impact Payments (stimulus checks)
- Pandemic-related financial assistance
- Tax Credits



WHO DOES PUBLIC CHARGE APPLY TO?

Applying for a Green Card?



Public Charge test is part of this process.

We recommend speaking with an immigration attorney before submitting any immigration-related application.

Applying for Citizenship?



Public Charge test is **NOT** part of this process.

Already have a Green Card?



Public Charge will **NOT** impact you unless you leave the U.S for six consecutive months.

The changes the government made make the public charge test part of the process of applying to renew certain visas or other statuses and the green card application.

The changes do NOT add a public charge test to the U.S. citizenship application.

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The government has changed the “public charge” rule.

The law will change on February 24, 2020.



WHO CAN ANSWER MY QUESTIONS?

If you have questions about public charge related to an immigration application you already have pending or are considering, you should consult an immigration lawyer. You can call the New Americans Hotline at **1-800-566-7673** for suggestions about where to seek legal advice. The hotline is free and anonymous, and help is available in many languages.

More information can be found at **nmpovertylaw.org** and **protectingimmigrantfamilies.org**.

For questions and legal help contact the New Mexico Immigrant Law Center: **nmilc.org** or call **(505) 247-1023**.

The NMILC holds free, open attorney phone hours every Friday from 11am-1pm for anyone with questions regarding immigration.