



PUBLIC CHARGE: MAKE THE RIGHT CHOICE FOR YOUR FAMILY

WHAT IS PUBLIC CHARGE?

Public charge is a part of federal immigration law under which someone can be denied a visa or legal permanent residency (green card) if federal officials determine the person is “likely to become primarily dependent on the government for subsistence.”

UNDER THE 1999 PUBLIC CHARGE GUIDANCE THAT IS IN EFFECT AS OF 3.9.21:

Federal immigration officials will look at whether there is a sufficient affidavit of support by the green card applicant’s sponsor. They will also look at certain factors—such as the applicant’s financial status, health, age, and English language skill—and whether the applicant is using or has recently used:

- Long-term institutionalization paid for by the government (such as nursing home care or mental health institutionalization)
- Cash assistance for income maintenance:
 - Supplemental Security Income (SSI)
 - Temporary Assistance to Needy Families (TANF)
 - State or local general relief or General Assistance

Trump’s 2019 public charge rule is NO LONGER IN EFFECT as of March 9, 2021

- Short-term and special purpose cash payments (such as emergency assistance or disaster relief) and institutionalization for short periods of rehabilitation are **NOT** considered in the 1999 Public Charge Guidance.
- Food and nutrition programs, including SNAP, and housing programs, such as public housing and section 8 are **NOT** considered in the 1999 Public Charge Guidance. Medicaid is considered *only* if it is used to pay for long-term care.
- Generally, benefits used by the applicant’s family members, including their children should not count against the applicant. Every family’s public charge analysis is different. Many organizations are available to help.

Are you a community member and have a question?

- Contact the Immigrant Family Resource Program (IFRP) administered by the Illinois Coalition for Immigrant and Refugee Rights: <https://www.icirr.org/ifrp>
- Call ICIRR’s Family Support Hotline, 855-HELP-MY-FAMILY (855-435-7693)
- Visit www.protectingimmigrantfamiliesillinois.org

Are you a staff member and have a question?

- Register as a HelpHub user! HelpHub is a **free** online community where organizational staff members in Illinois can ask questions about public charge and immigrant eligibility for public benefits: enroll at: <http://helphub.povertylaw.org>
- Email pifillinois@povertylaw.org



PUBLIC CHARGE: DOES THIS APPLY TO ME?

Do you and your family members already have green cards?

Public charge and any changes under this rule WILL NOT impact you.



Are you applying for or already have one of the following statuses?

U.S. citizenship, green card renewal, DACA, TPS, U or T visa, asylum or refugee status, or Special Immigrant Juvenile Status

Public charge does NOT apply to many immigrants, including the categories listed here. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.



Does your family plan to apply for a green card or visa from inside the United States?

Use this online screening tool to understand which immigrants face a public charge test. The website lists the federal names of the benefit programs:

- Go to <https://keepyourbenefits.org/en/na/> (English)
- Go to <https://keepyourbenefits.org/es/na/> (Spanish)
- Go to <https://keepyourbenefits.org/cn/na/> (Chinese)



Does your family plan to apply for a green card or visa from outside the United States?

Decisions about applications for admission or LPR status processed outside the U.S. (at embassies or consular offices abroad) are made by State Department (DOS) officials. The DOS public charge rule affects people seeking immigrant and nonimmigrant visas and people seeking to be admitted to the U.S. as LPRs. THE STATE DEPARTMENT PUBLIC CHARGE RULE IS NOT IN EFFECT; IT WAS BLOCKED BY FEDERAL COURT

