



# Public Charge: Information for Beneficiaries

Current as of January 31, 2020

Background: On August 14, 2018, the Trump administration published an administrative rule change that limits the number of people allowed to obtain certain immigration benefits in the United States based on their health, age, and financial resources. On January 27, 2020, the U.S. Supreme Court allowed the new rule to take effect while lawsuits challenging the rule are going through the courts. The administration announced that they will begin applying the rule on February 24.

## If you think that you may be impacted by this rule change:

1. **Do not make any changes before seeking professional advice.** This is a decision that will impact your family significantly, so it is important to consult benefits providers and your immigration attorney before making any drastic changes to benefits.
2. **"Public charge"** applies to immigrants coming to the United States and for some immigrants in the United States who are applying for a green card **for the first time**. It does not apply to people who are already Legal Permanent Residents (green card holders) in the United States or to Legal Permanent Residents applying for U.S. citizenship or to refugees, asylees, U-visa, T-visa, VAWA and others.
3. **The rule counts only the benefits used by the person coming to the United States or applying to adjust their status. The rule does NOT count benefits received by family members who are U.S. citizens or Legal Permanent Residents.**
4. **Past use will not harm you.** Immigration will only consider the public benefits you are receiving as of February 24, 2020.
5. **The proposed rule is narrower than earlier versions.** The public benefit programs included in the final rule are not as expansive as those listed in earlier versions, and the final rule does not count use of public benefits by household members. Talk to a professional to see if you will be impacted by the changes.
6. **Become a U.S. Citizen.** If you are eligible to apply for citizenship, do so. The test for public charge does not currently affect people applying for citizenship.

Other considerations:

**Visa Processing:** For people who will have to process their visa applications abroad there are different rules. If you think your case may involve processing a visa abroad, or are not sure, talk to a professional about the specifics of your case to get more information.

**Refugees, Asylees and other protected groups:** Refugees, asylees, those in U, T, VAWA, and SIJS status, and certain other groups, are not included in the rule. That means that Immigration will not consider use of public benefits when those individuals apply for a green card. Individuals in these groups should be aware, however, that if they later want to sponsor a family member to get status in the U.S., Immigration may consider the sponsor's use of public benefits. If you are planning to sponsor a family member now or in the future, speak to an immigration professional about your specific case to see if those rules could affect your case.