



As of January 27, 2020

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 green card if federal officials determine that the person is likely to rely on government support for their livelihood.

THE SUPREME COURT HAS LIFTED A COURT ORDER BLOCKING THE NEW PUBLIC CHARGE RULE; THE RULE IS STILL BLOCKED IN ILLINOIS AS OF 1/27/2020.

The new regulation would change how Department of Homeland Security makes public charge decisions. Under the rule, immigration officials would look more closely at certain factors—such as financial status, health, age, and English language skill—to determine if an immigrant is using or likely to use

- **Medicaid (EXCEPT FOR emergency Medicaid, Medicaid for pregnant women and people under 21 years old (All Kids, Moms & Babies), or services under the Immigrants with Disabilities Education Act)**
- **Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)**
- **Public housing and Section 8 housing assistance**
- **Cash assistance (TANF, SSI, General Assistance)**

GET HELP MAKING THE RIGHT CHOICE

- **The US Supreme Court is allowing the rule to go into effect; we do not yet know when the US Department of Homeland Security will begin implementation. A separate court order is still in place in Illinois to block the rule statewide.**
- **The State Department issued a similar rule for people applying for visas outside the US—including immigrants already in the US who need to finish their process at a US consulate. That rule went into effect on October 15, 2019, but is not yet being implemented.**
- Generally, benefits used by your US citizen children should not count against you; however, your overall household financial status will be considered.
- Every family’s public charge analysis is different, and the programs that help your family might not even be covered by the government’s proposed changes.
- Many organizations are available to help. An immigration attorney familiar with this issue can give you advice based on your specific situation. Local nonprofits may also be able to provide help and legal advice.

To get more information, visit:

<https://protectingimmigrantfamilies.org/qaospace.com/>

To find help in your area, visit:

www.immigrationadvocates.org/nonprofit/legaldirectory or
www.icirr.org/ifrp

Protecting Immigrant Families-Illinois-- [PIF-IL website](http://pif-il.org) -- pifillinois@povertylaw.org

AIDS Foundation of Chicago, Asian Human Services, Catholic Charities Diocese of Joliet, Elevate Energy, Erie Family Health Center, DuPage Federation, Greater Chicago Food Depository, Health & Medicine Policy Research Group, Healthy Illinois Campaign, Housing Action Illinois, Illinois AAP, Illinois Coalition for Immigrant and Refugee Rights, Latino Policy Forum, Legal Aid Society of Metropolitan Family Services, Legal Council for Health Justice, National Immigrant Justice Center, Ounce of Prevention Fund, Shriver Center on Poverty Law, University YMCA

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** affect you. If, however, you leave the US for more than 180 days, you could be subject to public charge when you seek to reenter the US. If you plan to be outside the US that long, you should seek legal help before you go.



Are you applying for one of the following statuses?

U.S. Citizenship, Green card renewal, DACA renewal or TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status and others



Public charge inadmissibility does **NOT** apply to 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?



You should talk with an expert for advice on your case before making any decisions. **To find help in your area, visit:** <https://www.immigrationadvocates.org/nonprofit/legaldirectory> or <http://www.icirr.org/ifrp>



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For more updates and resources or to request a free Public Charge 101 training or webinar EMAIL us: pifillinois@povertylaw.org or visit our webpage: <https://protectingimmigrantfamilies.squarespace.com/>