



Dear Community Member:

We are writing to let you know that if you submitted an application for a green card (lawful permanent residence (LPR)) on or after February 24, 2020 or if you are a green card holder who plans to leave the United States for more than 180 consecutive days, some major changes to the federal public charge rule might affect you. Federal immigration authorities started applying the updated “public charge” rule on February 24, 2020. The public charge rule will not change your eligibility for benefits (SNAP or Medicaid). But the public charge rule does change who may be able to get a green card.

What is the public charge test? Some people who apply for a green card (and green card holders who left the U.S. for longer than 180 days when they re-enter) must pass a “public charge” test, which looks at a person’s income, health, education and work history, and other factors to determine whether the person is likely to use certain government programs in the future. Individuals subject to the test need to complete a new form called the [I-944 Declaration of Self-Sufficiency form](#).

Public charge does not apply to all immigrants who are applying for green cards. The public charge test does not apply to you if:

- ❖ You already have a green card and do not travel outside the U.S. for more than 180 days;
- ❖ You are renewing your green card or renewing DACA;
- ❖ You are applying for U.S. citizenship;
- ❖ You have refugee status;
- ❖ You have or are seeking asylum;
- ❖ You have a T visa (for survivors of human trafficking);
- ❖ You have or are applying for a U visa (for survivors of domestic violence and certain other criminal activity);
- ❖ You have or are applying for Special Immigrant Juvenile status (for immigrant children who have been abused, abandoned, or neglected by one or both of their parents);
- ❖ You are applying for a green card under VAWA (Violence Against Women Act);
- ❖ You have one of the following statuses: Amerasian immigrant, Afghan and Iraqi Special Immigrant Visa holder, or humanitarian parolee.

*This is not a complete list. For more information, visit protectingimmigrantfamiliesillinois.org.

Benefits Considered in the Public Charge Test: When assessing under the public charge test, immigration authorities will consider whether a person has applied for, was approved for, or received certain public benefits **on or after February 24, 2020:**

- Supplemental Nutrition Assistance Program (SNAP, “EBT,” “Food Stamps,” or “LINK”);
- Federal Public Housing and Section 8 Housing Assistance under the Housing Choice Voucher Program and the Project-Based Rental Assistance (including Moderate Rehabilitation);
- Medicaid, ***except for*** the following programs:
 - Emergency medical coverage for non-citizens, including coverage for End Stage Renal Disease;
 - Medicaid for pregnant women and new mothers through the **“Moms & Babies”** program;

- People under 21 years old through the **"All Kids"** program or school-based services under the Individuals with Disabilities Education Act, such as an Individualized Education Plan (IEP).

In addition, immigration authorities already count use of the following benefits **before and after February 24, 2020**:

- Cash assistance programs (like SSI, TANF, General Assistance)
- Long-term institutional care at government expense (ex. care in a nursing home paid for by the government).

Most people who are subject to the public charge rule are NOT eligible for the benefits (e.g., some Medicaid programs, SNAP, some housing programs) included in the test. For instance, most immigrants who would be subject to the test are ineligible for ACA Adult Medicaid and for SNAP.

The public charge test does NOT include benefits used by the spouse or child of the immigrant green card applicant or anyone else in their household, unless those family members are also applying for their green card.

Only the programs and services listed above (ex. Medicaid with exceptions, SNAP, certain federal housing programs) are included in the public charge test; all other programs will not be counted in the test. Therefore WIC, LIHEAP, the school lunch and breakfast program, school-based health centers, health care from community health centers, charity care, Head Start, food pantries, shelters, and many more do not count in the public charge test. For a more comprehensive list of benefits and programs that are not included in the public charge test see the protectingimmigrantfamiliesillinois.org website.

Most immigrants who are eligible for public benefits can still safely use benefits under the public charge test.

Under the public charge rule:

- Your green card application cannot be denied because your children or other family members (who are not themselves applying for a green card) receive public benefits.
- Including your name on your *child's* application for public benefits does NOT mean that you have applied for or received benefits for yourself. For example, a parent may apply for SNAP or TANF benefits on behalf of a U.S. citizen child.
- Lawful permanent residents are not affected by the public charge regulation unless they leave the U.S. for longer than 180 days and seek to reenter the U.S..
- The Illinois Department of Human Services continues to protect the confidentiality of clients' personal information and does not share this information unless required by state or federal law.

Resources: We want to make sure you and your family get the help you need.

- If you have any questions about public charge, please contact the Immigrant Family Resource Program (IFRP) which is administered by the Illinois Coalition for Immigrant and Refugee Rights (ICIRR): <https://www.icirr.org/ifrp>. The statewide IFRP network is trained to help community members in their primary language to answer questions about public benefits and public charge. Information is also available through ICIRR's Family Support Hotline, 855-HELP-MY-FAMILY (855-435-7693).
- If you want to apply for public benefits, go to <https://abe.illinois.gov/abe> to submit an application.
- If you still have questions about whether the public charge test affects you, please contact your local legal services provider: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=IL>.

Best,

Protecting Immigrant Families-Illinois (PIF-IL)