



## **KNOW YOUR RIGHTS: Changes to the “Public Charge” Test and the COVID-19 Pandemic**

For some immigrants, U.S. Citizenship and Immigration Services (“USCIS”) will consider whether an immigrant is likely to become a “public charge” when it reviews the immigrant’s request for a visa or green card. A “public charge” is someone who may rely on public benefits for a significant period of time. If USCIS determines an immigrant is likely to become a public charge, it may deny an immigrant’s entry into the United States or their green card application.

The Trump administration recently issued new rules that redefine the term “public charge” in a way that will result in many more people being denied entry or a green card. The new rules went into effect on February 24, 2020. It is important for immigrants to understand whether they might be impacted by these new rules.

Catholic Migration Services would like to inform the immigrant community that the new public charge rules does not mean everyone should stop receiving any public benefits that they need for their family. Therefore, before withdrawing from any public benefits you are currently receiving, we encourage you to speak with a trusted immigration attorney.

### COVID-19 Pandemic and Public Charge

#### **Medical Treatment**

USCIS has clarified that seeking or using medical treatment or preventative healthcare services related to COVID-19 will NOT be considered under the public charge rule, even if the services are Medicaid-funded.

#### **Unemployment Benefits**

Unemployment insurance benefits are not, in and of themselves, taken into consideration by the USCIS for purposes of making a public charge determination. Guidance issued by the USCIS states that unemployment benefits are not considered by USCIS in a public charge inadmissibility determination as unemployment insurance is considered by USCIS as an “earned” benefit.

Please note that we will update this page routinely as we learn more about how COVID-19 specific state and federal assistance packages may intersect with the new public charge rule in upcoming weeks.

The New Rule – Who it Applies To:

- You are in the U.S. and plan to apply for a green card or visa → The new public charge rules may affect you. You should speak with an immigration lawyer to learn more about the possible impact.
- You or your family plans to apply for a green card or visa from outside the U.S. → The new public charge rules may affect you. You should speak with an immigration lawyer to learn more about the possible impact.

The New Rule - Who it Does Not Apply to:

- You are already a U.S. citizen, DACA recipient, U or T Visa holder, TPS holder, or have SIJS status, or have status as an asylee or refugee, *or are applying for any of these statuses* → The new rules do not affect you. Benefits you receive while in this status will not be counted against you in the future if you apply for a green card.
- You and your family are green card holders → The new public charge rules do not affect you unless you leave the country for more than 6 months.

If the new rules affect you, USCIS may count it against you if you use any of the following benefits for a lengthy period: Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), state general relief or general assistance, Medicaid institutionalization for long-term care, non-emergency Medicaid, Supplemental Nutrition and Assistance Program (SNAP, formerly food stamps), Section 8 Housing Choice Voucher Program, Section 8 Project-Based Rental Assistance, and public housing.

The government will not consider receipt of the following types of benefits when determining public charge: emergency medical assistance, disaster relief, national school lunch or school breakfast programs, foster care or adoption, Head Start, Child Health Insurance Program (CHIP), WIC, the Earned Income Tax Credit, or the Child Tax Credit.

For Free Help

All immigrants who may apply for an immigration benefit in the future should seek advice about whether receipt of public benefits may impact their ability to apply for that future benefit. For more information on the public charge rule and whether it affects you, call the New Americans Hotline at 1-800-566-7636 between 9:00 a.m. and 5:00 p.m., Monday to Friday.

To speak with an attorney or immigration counselor with Catholic Migration Services, please call our office Monday through Friday between 9:00 a.m. and 5:00 p.m. at (718) 236-3000 or (347) 472-3500.



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