

# IMPORTANT INFORMATION ABOUT PUBLIC BENEFITS

The Trump administration has changed the “public charge” rule.

The law will change on February 24, 2020.

## WHAT IS PUBLIC CHARGE?

“Public charge” is a test to see if someone applying for a green card (lawful permanent residence) or a visa is likely to use specific government programs.

### Programs part of the public charge test:

- SNAP
- Medicaid
- Cash assistance (TANF, GA, SSI)
- Section 8 housing assistance
- Institutionalized long-term care (like living in a nursing home) through Medicaid

Use of public benefits does not automatically make you a public charge.

### Other factors considered:

- Age
- Income
- Health
- English proficiency

### Public charge never applies to:

- Children, 21 years and younger
- Pregnant women, and up to 60 days after delivery
- EMSA (emergency Medicaid services for immigrants)

**These immigration categories continue to be exempt from the public charge test, even when applying for a green card:**

- Refugees and asylees
- Victims of trafficking (T visas)
- Victims of domestic violence or other serious crimes (U visas)
- VAWA self-petitioners
- Special immigrant juveniles (SIJS), and some other immigrants

## WHO DOES PUBLIC CHARGE APPLY TO?

Applying for a Green Card?



Public Charge test is part of this process

Applying for Citizenship?



Public Charge test is **NOT** part of this process

Already have a Green Card?



Public Charge will **NOT** impact you unless you leave the U.S for six consecutive months

The changes the government made make the public charge test part of the process of applying to renew certain visas or other statuses in addition to the green card application. The changes do NOT add a public charge test to the U.S. citizenship application.

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## WHO CAN ANSWER MY QUESTIONS?



If you have questions about public charge related to an immigration application you already have pending or are considering, you should consult an immigration lawyer.

You can call the New Americans Hotline at **1-800-566-7673** for suggestions about where to seek legal advice. The hotline is free and anonymous, and help is available in many languages.

More information can be found at **[nmpovertylaw.org](http://nmpovertylaw.org)** and **[protectingimmigrantfamilies.org](http://protectingimmigrantfamilies.org)**.

For questions and legal help contact the New Mexico Immigrant Law Center: **[nmilc.org](http://nmilc.org)** or call **(505) 247-1023**.

The NMILC holds free, open attorney phone hours every Friday from 11am-1pm for anyone with questions regarding immigration.