

Proposed Public Charge Rule Change: What You Need to Know

A 'public charge' test is used by the federal government when:

- **A person applies to enter the U.S.**
- **A person applies to adjust their status to become a Lawful Permanent Resident (get a green card).**
- **A green card holder leaves the U.S. for more than 180 days and then reenters the U.S.**

The federal government has proposed changing the rules related to this test. Under the proposed rule change, there is a new definition of 'public charge' that makes it more difficult for some people to pass this test, and some additional public benefits would be considered as part of this test.

PLEASE SEEK LEGAL ADVICE FOR YOUR FAMILY, AS EACH CASE IS UNIQUE.

- A new PROPOSED public charge rule was published by the federal government on October 10, 2018 that expands the definition of 'public charge'. **The new rule is currently NOT in effect.** A 60-day comment period is open until December 10, 2018, which allows everyone to comment before the government finalizes this rule.
- **WIC is NOT included in the proposed rule.** This means that the proposed rule does NOT include WIC in the expanded public charge test.
- Some new public benefits that could be included as part of the public charge test include most Medi-Cal (Medicaid) programs, CalFresh (SNAP), and housing subsidies, among others.
- **The proposed rule is NOT retroactive.** That means the only benefits that will be considered are those that you receive AFTER the rule goes into effect.
- The proposed rule states that benefits received by U.S. citizen children will NOT directly affect their parent's public charge determination. **Please seek legal advice if you have questions, as each case is different.**
- **Not all immigrants are affected by the proposed public charge rule change.** Some groups that are exempt from the public charge test include green card holders applying for citizenship, refugees, asylees, survivors of domestic violence, trafficking or other serious crimes, and several other groups.
- Every immigration case is unique and families should talk to legal experts.

To access low or no-cost legal resources, go to www.helunahealth.org/news/legal-resources.

Take Action:

SEND A COMMENT

The Department of Homeland Security (DHS) is accepting comments on this proposed rule. For more information on the proposed rule and instructions for sending comments, visit:

www.ProtectingImmigrantFamilies.org

www.frac.org/PublicCharge

www.nwica.org/Immigration-Resources



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