

THE NEW PUBLIC CHARGE RULE

On August 14, 2019 the Trump administration announced changes to the public charge rule. Many people will not be affected by this rule and can use public benefits without consequences.

WHEN DOES THE NEW PUBLIC CHARGE RULE GO INTO EFFECT?

MONDAY, JANUARY 27, 2020

WHAT GOVERNMENT- FUNDED SERVICES ARE STILL SAFE TO USE?

- SCHOOL-BASED SERVICES OR BENEFITS (FREE AND REDUCED LUNCH, HEAD START, ETC.)
- EMERGENCY MEDICAID (MEDI-CAL)
- SERVICES PROVIDED UNDER THE INDIVIDUAL WITH DISABILITIES EDUCATION ACT
- BENEFITS FOR WOMEN DURING PREGNANCY AND DURING 60-DAY PERIOD AFTER PREGNANCY (I.E. WIC)
- DISASTER RELIEF

WHO IS AFFECTED UNDER THIS NEW RULE?

- APPLICANTS APPLYING FOR A GREEN CARD, OTHER THAN THOSE APPLYING THROUGH ASYLUM, U-VISA, T-VISA, VAWA AND SIJS.
- THOSE APPLYING FOR CERTAIN TEMPORARY VISAS ABROAD, AND POTENTIALLY LAWFUL PERMANENT RESIDENTS WITH CRIMINAL CONVICTIONS RETURNING TO THE U.S. FROM TRAVELING ABROAD OR WHO HAVE BEEN ABSENT FOR MORE THAN 180 DAYS.

** ALTHOUGH THERE IS NO PUBLIC CHARGE TEST WHEN APPLYING FOR CITIZENSHIP, AN OFFICER MAY ASK ABOUT RECEIPT OF PUBLIC BENEFITS TO DETERMINE WHETHER YOU WERE ELIGIBLE FOR THEM AT THE TIME. **

WHO IS NOT PENALIZED UNDER THIS NEW RULE?

- MOST LEGAL PERMANENT RESIDENTS
- U.S. CITIZEN CHILDREN UNDER 21 AND PREGNANT WOMEN
- INDIVIDUALS APPLYING FOR ASYLUM, U-VISA, T VISA, VAWA AND SPECIAL IMMIGRANT JUVENILE STATUS
- ASYLEES, REFUGEES, U VISA HOLDERS, SPECIAL IMMIGRANT JUVENILES, T VISA HOLDERS, AND VAWA APPLICANTS
- INDIVIDUALS RENEWING TPS OR DACA
- PERMANENT RESIDENTS OR U.S. CITIZENS PETITIONING FOR FAMILY MEMBERS (ONLY FAMILY MEMBER'S USE OF BENEFITS CAN BE COUNTED AGAINST THEM)

U.S. Immigration Law Group, LLP highly encourages families to consult with an immigration law expert to evaluate if they may be deemed a "public charge."

If you have any questions please contact our office.

STEPS TO TAKE

There are practical steps one can take to position themselves in a most favorable light and avoid being deemed a "public charge."

1. FINANCES

- Place assets in your name
- Minimize accumulation of debt and pay off credit cards/ loans
- Keep records of employment and income (i.e. paycheck stubs)
- Retain all U.S. Federal tax returns, 12 months of bank statements, and documents related to credit history, credit score, etc.



2. EDUCATION

- Register for ESL courses at your local community college or community center
- Keep licenses or certifications that demonstrate your English proficiency or professional skills



3. HEALTH

- Proceed with caution if you have any pre-existing medical conditions requiring treatment that may affect your ability to work, study or care for yourself
- If possible, purchase private health insurance



4. GOVERNMENT ASSISTANCE

Seek a consultation or evaluation if you or any member of your family receives any of the following: SSI, TANF (CalFresh), cash benefits, non-emergency Medicaid (Medi-Cal), SNAP (CalWorks), Section 8 housing, or subsidized housing

- If you are not eligible to apply for a green card now, there may be no reason or benefit to give up needed benefits now



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