2019 PUBLIC CHARGE RULE

A GUIDE FOR ARIZONA FAMILIES

This document provides general information. This is NOT legal advice.

WHAT IS PUBLIC CHARGE?

"Public Charge" is a test U.S. immigration uses to decide if a person can get a visa or green card. When the government makes this decision, they look at many different things, including income, work, age, health, education, skills, family, and whether a U.S. citizen or resident has agreed to support the person.

A Public Charge test decides if someone will be able to live in the U.S. without a lot of help from the government. In the past, only using cash assistance or long-term care funded by the government would hurt someone's visa or green card application. The government is changing how they make Public Charge decisions.

These changes will begin on **October 15th** unless they are stopped or delayed.

CHANGES TO PUBLIC CHARGE

Starting October 15th, the government will look more closely at whether someone has used any of the following programs for more than 12 out of 36 months:



SNAP is also called EBT or Food Stamps



TANF, SSI, or other cash assistance



You can use AHCCCS if:

- It's an emergency
- You are under 21
- You are pregnant, up to 60 days after giving birth



Section 8 or Federal Housing



At a facility funded by the government

The new Public Charge test is graded on a scale, positive and negative. Things like having a job or going to school are considered positive factors. Negative factors include things like age (being younger than 18 or older than 61), or having an illness. Programs used by U.S. citizen family members are NOT considered on this grading scale.

Services that are not listed above will NOT be counted in the new public charge test.

Using WIC, KidsCare, school lunch, food banks, shelters, community health centers, and other services will NOT be counted.

Programs or benefits used before October 15th will NOT be considered in the test. Programs or benefits used on or after October 15th MAY be considered.

DOES THIS RULE APPLY TO ME?

Do you already have a green card?

If Yes, the new Public Charge changes will probably NOT apply to you.

However, if you plan to leave the U.S. for more than 180 days in a row, the changes MIGHT apply to you.

Is this your first time applying for a green card?

You will likely go through a Public Charge test. Ask an immigration lawyer for advice.

Do you fall under one of these statuses?

- U.S. Citizenship
- Legal permanent residency (green card holder)*
- DACA**
- Temporary Protected Status
- U or T Visa
- VAWA Self-Petition
- Asylee or Refugee
- Special Immigrant Juvenile

If you have any of these statuses, you will NOT go through a Public Charge test.

* If you are renewing your green card you will NOT go through a Public Charge test unless you leave the country for more than 180 days in a row.
**If you are a DACA recipient adjusting your status, you MIGHT go through a Public Charge Test.

If you have any concerns, talk to an immigration attorney.

RESOURCES

Every situation is different. An immigration lawyer can help you make the best choices for your family. To find free or low-cost legal resources, visit: https://www.immigrationadvocates.org/nonprofit/legaldirectory/.

This document was prepared by the Arizona Equal Voice Network and Basic Needs Coalition. For more information, visit Protecting Immigrant Families at www.protectingimmigrantfamilies.org/