

Proposed public charge regulations

Whom will this impact?

- Anyone in the U.S. seeking lawful permanent resident (LPR) status through a family petition:
 - Spouses of U.S. citizens;
 - Children of U.S. citizens;
 - Parents of U.S. citizens;
 - Siblings of U.S. citizens;
 - Spouses of LPRs; and
 - Unmarried children of LPRs.
- Individuals seeking LPR status through an employment-based visa.
- Individuals seeking a non-immigrant visa or seeking to extend or change their non-immigrant status.
- LPRs coming back to the US after a trip of 6 months or more.

Who is exempt?

- Individuals applying for or re-registering for Temporary Protected Status;
- Special Immigrant Juveniles;
- LPRs applying for citizenship;
- Individuals applying for a green card through:
 - Asylee or refugee status;
 - VAWA self-petitions, including derivatives;
 - U or T visas;
 - Amerasian petitions;
 - Afghan or Iraqi Special Immigrant petitions;
 - Cuban and Haitian Entrant petitions;
 - NACARA petitions; or
 - Haitian Refugee Immigration Fairness Act.

Benefits considered for public charge

- Where the benefit provided exceeds 15% of the federal poverty level for a household of one (\$1,821 for 2018) and is received for at least 12 consecutive months:
 - Supplemental Nutrition Assistance Program (SNAP);
 - Section 8 Housing assistance;
 - Supplemental Security Income (SSI);
 - Temporary Assistance for Needy Families (TANF); or
 - Federal, state, or local cash assistance for income maintenance.
- Where any combination of benefits are provided for an aggregate of 12 months in the last 36 months:
 - Non-emergency Medicaid benefits;
 - Subsidies under Medicare Part D;
 - Subsidized housing; or
 - Institutionalization for long-term care at government expense.

Benefits NOT considered for public charge

- Women, Infants and Children (WIC);
- Children's Health Insurance Program (CHIP);
- School-based benefits (e.g. free lunch);
- Energy Assistance;
- Veteran's benefits;
- Federal Old-Age, Survivors, and Disability Insurance benefits;
- Government pension benefits;
- Government employee health insurance or transportation benefits;
- Government employee transportation benefits;
- Unemployment insurance;
- Worker's compensation;
- State disability insurance;
- In-state college tuition;
- Government loans that require repayment; or
- Disaster relief.

This is only a summary of proposed changes to the Public Charge rule that are not in effect yet. Anyone receiving SNAP, housing assistance, or Medicaid should not disenroll at this time. MIRA will provide updates as the situation evolves.

Last updated on September 26, 2018