



What is the Public Charge Rule?

- Public charge is the federal rule by which individuals can be *denied* permanent resident status (green cards) if they are determined to be likely to be dependent on the government for support in the future.
 - A new version of the public charge rule took effect on **February 24, 2020**.
 - National Skills Coalition and many other organizations **strongly opposed** the recent changes to the public charge rule, which evidence suggests will decrease immigrant adult learners and workers' ability to access key benefits to help them persist and succeed in education and training opportunities.
 - Now that the rule has taken effect, this document is intended to help adult educators understand the most common public-charge issues they may encounter.
 - Some people are *exempt* from the public charge test. These include refugees, T and U visa holders, Violence Against Women Act self-petitioners, people granted asylum, and certain other humanitarian immigrants.
 - The public charge is a *totality of circumstances* test. Officials weigh each of the positive and negative factors in an immigrant's application and determine whether they are at risk of becoming a public charge.
 - The new rule adds standards and evidentiary requirements to the factors considered under the totality of circumstances test. Factors include age, health, income and assets, and education and skills, among others. For example, being over age 62 is a negative factor.
 - The new rule also expands the number of *people* who are subject to the test by adding new standards to applications for an extension or change of non-immigrant visas.
 - The new rule *greatly expands* the types of public benefits that count against immigrants under the test. Benefits that count against immigrants are:
 - > Any Federal, State, Local or Tribal cash assistance for income maintenance, including TANF, SSI, and general assistance programs
 - > Medicaid (with exceptions including coverage for emergency services, children under 21 years old, pregnant women and 60 days of post-partum services);
 - > Supplemental Nutrition Assistance Program (SNAP, formerly called "food stamps");
 - > Federal Public Housing, Section 8 housing vouchers and Section 8 project-based rental assistance.
- Note: Participating in an adult education or workforce program funded by SNAP Employment & Training will NOT count against an immigrant unless the immigrant has filed an individual application for SNAP benefits.*
- The public charge test does NOT apply when a green-card holder is applying for U.S. citizenship.

PLEASE NOTE: The public charge rule is complex, with many details and exceptions. National Skills Coalition is providing this document as short overview for adult educators, but it is not intended to be comprehensive. Additional materials are available from [ProtectingImmigrantFamilies.org](https://www.protectingimmigrantfamilies.org), a project led by the National Immigration Law Center and the Center for Law and Social Policy.