What is a Public Charge?

A “public charge” has historically been defined as a person who is primarily dependent on the government for support. Under current law, a person seeking admission to the USA or seeking to adjust status to permanent resident (get a green card) may be denied if an immigration officer determines the person is likely to become a public charge.

- Immigration officials have historically looked only at use of cash assistance (TANF, SSI, etc.) and nursing home assistance in making a public charge determination.

What does the new rule change?

The new rule redefines “public charge.” The new rule defines a public charge as a person who gets certain public benefits for 12 or more months over a 36-month period. Getting 2 benefits in 1 month counts as 2 months of benefits towards the 12-month limit.

- Under the new rule, immigration officials can consider whether the applicant has used certain benefit programs such as:
  - HUSKY / Medicaid
  - SNAP (Food Stamps or EBT)
  - Cash assistance: SSI, TANF/ TFA, State Administered General Assistance
  - Section 8 Housing and other federal public housing assistance
- Beginning on February 24, 2020, immigration officials will use the new rule to decide if a person is a public charge when a non-citizen attempts to:
  - Legally enter the United States;
  - Obtain a green card;
  - Extend a current visa; or
  - Adjust an existing visa from one type to another.

What programs do not count toward a public charge determination?

- HUSKY for kids under age 21
- HUSKY B / CHIP
- HUSKY for pregnant / post-partum women
- Qualified Health Plans with APTC
- Emergency Medicaid
- LIHEAP energy assistance
- School lunch and breakfast programs
- WIC
- Child care subsidies
- School-based health services
- Head Start and public education

IMPORTANT! If you currently get any benefits from DSS, you will not lose those benefits as a result of the new public charge rule. The new rule only applies if you are seeking entry to the US or are going to adjust your immigration status (apply for a green card). Before you cancel any existing benefits, read this document carefully and consider consulting with an immigration attorney.
Is the rule retroactive?

No. Benefits previously excluded from the public charge determination (all forms of Medicaid except long-term care coverage, SNAP, and housing assistance) will be considered only if those benefits are received after February 24, 2020.

Who is affected?

This rule only applies to the non-citizen person seeking an immigration status change.

It **does not apply** to family members who are U.S. citizens or lawful permanent residents (also known as green card holders). A non-citizen subject to the public charge rule is not impacted if only his or her child, spouse, or other family member who is a U.S. citizen or green card holder gets public benefits.

Many other individuals are **also exempt** from the public charge rule, including, but not limited to:

- Refugees
- Asylees
- Certain survivors of domestic violence that occurred in the U.S. (8 U.S.C. 1641(c))
- Violence Against Women Act self-petitioners (VAWA applicants)
- Individuals who have or are applying for U or T visas (victims of certain crimes and trafficking survivors)
- Children seeking Special Immigrant Juvenile status
- Active duty service members
- Lawful permanent resident seeking citizenship (green card holder)

How can immigrants get help to decide if the new rule affects them?

**Most immigrants will not be impacted by this rule change.** Review the chart “Does the Public Charge Rule Apply to Me?” for help making this decision. If a person is concerned the rule applies to them, they should talk to an immigration law specialist for guidance before making decisions about cancelling benefits. Individuals can call:

- Office of the Healthcare Advocate: **(866) 466-4446**
- CT Statewide Legal Services: **(800) 453-3320** or online at [https://ctlawhelp.org/en/home](https://ctlawhelp.org/en/home)
- Connecticut Institute for Refugees and Immigrants: **(203) 336-0141** (Bridgeport)  **(203) 965-7190** (Stamford)  **(860) 692-3085** (Hartford)

[Updated 2-11-20]