

## 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>
- Connecticut Institute for Refugees and Immigrants: **(203) 336-0141** (Bridgeport)  
**(203) 965-7190** (Stamford)  
**(860) 692-3085** (Hartford)