WHAT IS PUBLIC CHARGE?

"Public charge" is a term in immigration law that means a person is dependent on the government to meet their basic needs. The U.S. government determines whether a person is likely to become a public charge when:

1. A person applies to enter the U.S.
2. A person applies* to become a green card holder (or lawful permanent resident).
   *To apply for a visa or green card, you must fill out an application and have an interview.
   The government decides if you are likely to become a "public charge" through these processes.

Under current law, an immigration official can consider a lawful permanent resident applicant as ‘likely to become’ a public charge if that individual (not family members or dependents) receives support through Cash Assistance (SSI, TANF and comparable state and local programs) or government-funded, long-term institutional care (i.e. care in a nursing home). The government may also consider other factors such as age, health, family status, financial status, education, skills and an affidavit of support from a sponsor. When deciding if a person is likely to become dependent on the government to meet their basic needs, the government must look at their whole situation.

If you already have your green card, the public charge test does not apply to you, BUT YOU MAY HAVE A PROBLEM if you leave the U.S. for more than 6 months. If you are applying for (or have already obtained) your U.S. citizenship, the public charge test does not apply to you.

The following information is about a rule change that is NOT currently in effect. Federal courts say these changes cannot be implemented while legal challenges make their way through the courts. These rule changes could be permanently blocked.

WHAT PROGRAMS WOULD BE CONSIDERED UNDER THE NEW RULE?

Under the new but currently blocked rule, an immigration official may consider an individual applying to become a lawful permanent resident as 'likely to become' a public charge if that individual (not family members or dependents) receives support through:

- Cash Assistance (SSI, TANF, and comparable state and local programs)
- Government-funded, long-term institutional care (i.e. care in a nursing home)
- Medicaid (with exceptions for emergency services, children under 21, pregnant women and new mothers for 60 days after pregnancy)
- Public Housing Assistance (including Section 8 housing vouchers and Section 8 project-based rental assistance)
- SNAP (Food Stamps)

For more information and resources, visit hungerfreecolorado.org/publiccharge
NUTRITION ASSISTANCE AND PUBLIC CHARGE

WHICH FOOD AND NUTRITION PROGRAMS WOULD THE BLOCKED RULE AFFECT?

The only nutrition assistance program that the rule would include in a public charge test is SNAP, also known as food stamps.

WHAT DO I NEED TO KNOW ABOUT SNAP AND PUBLIC CHARGE?

1. The new rule that would include SNAP in the public charge test was blocked by federal courts. This means the new rule will not be implemented while legal challenges make their way through the courts. The changes could be permanently blocked.

2. This rule would only consider the applicant’s use of SNAP when the government considers if they’re likely to become a public charge. The use of benefits by family members or dependents does not count against you, the applicant. For example, if your children receive SNAP, their use of benefits will not impact your application for a green card.

3. Many individuals are not subject to the public charge test. You are not subject to a public charge test when you apply to become a citizen. Additionally, if you entered the U.S. as a refugee, were granted asylum or a visa for victims of trafficking, domestic violence, or other serious crimes, the public charge test does not apply to your application for lawful permanent resident status.

4. The rule would not be retroactive and still has not been implemented. This means that benefits — other than cash or long-term institutional care through the government — received before the date of implementation and while the rule is blocked will not be considered for public charge.

5. Most immigrants who legally qualify for SNAP are not subject to the public charge test because SNAP has very strict rules about who can receive benefits.

While the new public charge rule (affecting those applying for a green card or visa from inside the U.S.) is currently blocked, there are new rules for people applying from outside the U.S. If you or a family member will have a green card or visa application processed abroad, you should seek advice from an immigration attorney that understands the new changes to policy. If you are not subject to the public charge test, we highly recommend that you continue to use the SNAP benefits, also known as food stamps, that you and your family are eligible for.

HOW DO I GET SNAP FOR JUST THE ELIGIBLE MEMBERS OF MY FAMILY?

U.S. citizens, lawful permanent residents under the age of 18 or with residency for five years or more and some other classes of immigrants like refugees and asylees, may be able to receive SNAP. When applying for SNAP, you only need to give information about your eligible family members’ citizenship or immigration status. You do not have to give immigration status information about yourself or others in the household who are not applying for benefits. You can just say, “I am not applying for benefits for myself/that person.”

To apply, visit your county’s Department of Human Services or call the free, confidential, bilingual and statewide Food Resource Hotline at 855-855-4626.

WILL USING OTHER FOOD RESOURCES HURT MY IMMIGRATION STATUS?

No! We want to make it very clear that food resources (like food pantries) are NOT considered as part of this new public charge policy. Programs like WIC, free and reduced-price lunch, school breakfasts, meal sites, commodity foods, and food pantries are not considered in the public charge test. Using these programs supports health and economic security and can reduce the likelihood of your family depending on government assistance in the future.

HUNGER FREE COLORADO

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