

The Public Charge Rule What Should I Know?



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WHAT IS PUBLIC CHARGE?

Under current law, a person application for a visa, admission, or adjustment of status might be denied if the U.S. Citizenship and Immigration Service (USCIS) determines they are likely to become a public charge. Applications submitted on or after February 24, 2020, will be subject to a NEW rule to determine if the applicant is a public charge.

WHAT IS THE NEW PUBLIC CHARGE RULE?

Anyone who receives 12 "points" in any continuous 36-month period can be subject to the public charge inadmissibility rule. How do I receive a point? Receiving any public benefit at any time during a given month results in the accumulation of a "point." Additionally, each individual public benefit results in the accumulation of a point.

WILL RESULT IN ACCUMULATION OF A POINT

- Cash Benefits • Food Stamps
- Medicaid • Housing Assistance

WILL NOT RESULT IN ACCUMULATION OF A POINT

- Medicaid Received While Under 21, Pregnant, or During an Emergency • Benefits Family Members Receive • Benefits Received While in the Military

WHAT DOES PUBLIC CHARGE LOOK LIKE IN REAL LIFE?

Jane receives three public benefits every month; SNAP, Medicaid, and Section 8 Housing. Jane accumulates one point for each benefit in any month that she receives them. If Jane receives all three benefits in January, February, March, and April, she will accumulate the 12 points in just four months. Therefore, she may be subject to the public charge inadmissibility rule.

WHAT OTHER FACTORS DOES USCIS CONSIDER?

Even if you do not accrue 12 points, USCIS will consider the "totality of the circumstances" to determine if you are a public charge, including your age, health, family status, assets, income, education and occupational skills.

The following factors are weighed very **negatively**:
Applicant • is (and will remain) *unemployed* • has a *health problem* that will make it hard to work or study or • cannot afford *health insurance*

The following factors are weighed very **positively**:
Applicant • has *income or assets* that exceed 250% of the federal poverty guidelines • or can independently obtain *health insurance*

AM I EXEMPT FROM THE RULE?

This rule **does not** apply to: • U.S. Citizens • legal permanent residents • refugees • asylees or recipients of: • U Visa • T Visa • VAWA • SIJS • DACA • TPS
THIS IS NOT AN EXHAUSTIVE LIST

This rule **does** apply to applicants for: • admission to the United States • adjustment of status

USCIS will not hold testing or treatment for coronavirus against you