

Public Charge Rule Fact Sheet

This fact sheet is a resource for individuals with questions about the new public charge rule. Franklin County Department of Job and Family Services is not responsible for implementing or interpreting this policy and encourages individuals who believe they may be impacted by to seek additional guidance from immigration attorneys or other experts.

Overview:

On Jan. 27, 2020, the U.S. Supreme Court allowed proposed changes to the public charge rule to take effect, widening the scope of programs and factors that federal immigration authorities may consider when determining whether to grant permanent resident status (i.e. “green cards”).

Q: What is a Public Charge?

“Public Charge” is a term used by authorities to determine whether an applicant for permanent residence is likely to become dependent on federal government assistance, meaning federal benefits supply more than half of his or her income. Applicants deemed likely to become a public charge may be denied permanent residency.

Q: What has changed?

The new public charge rule extends the programs that the federal government will consider in public charge determinations to now include health, nutrition, and housing programs, which were previously excluded.

The rule defines “public charge” as an applicant who receives one or more public benefits for more than 12 months in the aggregate within any 36-month period (for instance, receipt of both Supplemental Nutrition Assistance Program (SNAP) and Medicaid benefits in one month would be counted as two months).

It now defines public benefits to include federal, state, or local cash benefit programs for income maintenance and certain health, nutrition, and housing programs that were previously excluded from public charge determinations, including non-emergency Medicaid for non-pregnant adults, SNAP or food stamps, and several housing programs (including Section 8 housing or rental assistance, and public housing under Section 9).

Federal Programs Under Public Charge Scope	
Previous Programs	New Programs Included
<ul style="list-style-type: none"> Supplemental Security Income (SSI) Temporary Assistance for Needy Families (TANF) Long-term care 	<ul style="list-style-type: none"> SNAP Non-Emergency Medicaid Medicare Part D Low-Income Subsidies Public Housing, Section 8 Rental Assistance

Q: Are there any programs NOT included in the public charge?

Yes. There are many programs not included in the public charge including the Children’s Health Insurance Program (CHIP), nutrition programs such as food banks, school lunches and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), as well as child care services, housing benefits and other non-cash benefits provided by the state and local governments.

Q: Who will be affected by this change?

Applicants for U.S. citizenship (as opposed to permanent resident status) will **not** be affected and may naturalize even if receiving public benefits. Limited exceptions also extend to certain immigrant populations, including refugees.

The population expected to be impacted the most are individuals outside the U.S. seeking to immigrate. Immigrants who need services (e.g. SNAP or Medicaid) may be discouraged from applying due to fears of deportation.

Populations Impacted by Rule Change	
Populations Impacted	Populations Not Impacted
<ul style="list-style-type: none"> • Individuals who have already legally immigrated to the U.S. and are: <ul style="list-style-type: none"> ○ Applying to become lawful permanent residents or green card holders; ○ Applying to extend or change the category of a nonimmigrant visa or renewing their status. • Individuals seeking to come to the U.S. who are: <ul style="list-style-type: none"> ○ Applying for visas; ○ Green card holders who have been outside the U.S. for more than 180 days. 	<ul style="list-style-type: none"> • U.S. citizens; • Undocumented individuals (because they are largely ineligible for public assistance); <ul style="list-style-type: none"> ○ Immigrants applying to change their immigration status may be impacted • Refugees and asylees; • Survivors of domestic violence, trafficking, and other serious crimes.

NOTE: Individuals should be aware that the rule change is not a one-size-fits-all policy. FCDJFS recommends consulting with an immigration attorney before making any decisions about applying or disenrolling from any benefits program.

Q: What is the impact on Franklin County Department of Job and Family Services (FCDJFS) customers?

Only a small percentage of FCDJFS customers are expected to be impacted by this rule change. For example, only 0.1% of FCDJFS SNAP recipients have an affected immigration status.

The majority of FCDJFS customers (98.4%) are citizens or legal permanent residents and these individuals will not be affected. Refugees (1.2%) and Asylees (0.1%) will not be affected as well.

Franklin County SNAP Recipients (01/28/2020)		
Immigration Status	#	%
U.S. Citizens	146,451	95.3%
Naturalized U.S. Citizens	28	0.02%
Legal Permanent Resident (Green Card)	4,809	3.1%
Asylee	178	0.1%
Refugee	1,866	1.2%
Other Immigrant	140	0.1%
Total SNAP	153,606	100%

**Source: Ohio BI, Individual Demographics Detail Report (01/28/2020)*

Q: How does FCDJFS use private information submitted about customers?

The federal government does not access FCDJFS systems for immigration enforcement action. FCDJFS only uses the information customers submit to determine if they are eligible for assistance programs. FCDJFS may need to verify submitted with the federal government, but that is only to confirm eligibility for programs and services.

Q: What if I do not receive any benefits but my children do? Will that impact my application for a green card?

No. The new public charge rule says the federal government will only consider the public benefits used by the person who is seeking to change his or her immigration status, and not any public benefits used by a family member.

Q: When will this change take effect?

U.S. Citizenship and Immigration Services (USCIS) will implement this change on applications postmarked on or after Feb. 24, 2020. On applications or petitions for extension of stay or change of status, Department of Homeland Security will only consider public benefits received on or after Feb. 24, 2020. More information can be found at: <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>

Q: What other resources are available for those impacted by this change?

Immigrant Legal Resource Center (ilrc.org/public-charge)

Kaiser Family Foundation (www.KFF.org)

- [Public Charge Key Takeaways Fact Sheet](#)

National Immigration Law Center (www.NILC.org)

- [Public Charge: Does This Apply To Me?](#)
- [Know Your Rights: Public Charge Messages for Community Members](#)