

# Know the Facts about Public Charge

## Public Benefits, Immigration, and your Family

News about proposed rule changes related to the use of public benefits and immigration applications have many immigrants and their families worried about accessing safety net programs like Supplemental Nutrition Assistance Program, SNAP (food stamps), Oregon Health Plan, and more.

Public charge does not apply to many benefits and many categories of immigrants. Do not give up important benefits that your family needs, like food assistance and health care, based on rumors and fear. Be informed so you can make the right choice for you and your family.

### Quick Facts about the Proposal to Change Public Charge:

#### 1. Public Charge does not apply to everybody.

Learn how the rule applies to you.

#### 2. Don't give up services

your family needs due to fear. Get the facts before making decisions.

#### 3. You are not alone.

Immigration attorneys, legal service providers, and community partners are available to answer your questions and make the best decision for your family:

- Contact an immigration attorney with questions about immigration options and public benefits. Find legal help at [oregonimmigrationresource.org/resources/](http://oregonimmigrationresource.org/resources/).
- Call Oregon's Public Benefits Hotline with questions about benefits and enrollment: 1-800-520-5292.

#### 4. The proposed rule would not apply retroactively.

meaning that when and if it becomes actual policy, families will still have ample time to make the right choice for their loved ones. In the meantime, you can make your voice heard through the proposal's public comment process.

### What is "Public Charge" and what could change?

**Public Charge** is the term used by immigration officials to refer to people who primarily rely on government cash assistance, such as Temporary Assistance for Needy Families (TANF), to support themselves. Being a "public charge" can impact a person's eligibility for a green card or a visa.

**Under current rules, only these benefits *may* result in a public charge determination.**

- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- Long term care in an institution paid for by the government

**The federal government** is proposing a change to the definition of public charge that would create immigration consequences for some individuals who access Supplemental Nutrition Assistance Program (SNAP), Oregon Health Plan (OHP), and other services. This change could affect many families seeking residency, but it is still just a proposal. Learn more about the proposal at:

[protectingimmigrantfamilies.org](http://protectingimmigrantfamilies.org).

## What you need to know:

**The rules have not yet changed** for those applying for green cards who will have their residency interview in the U.S. Most public benefits (like health care, food assistance, WIC, housing assistance, and many more) DO NOT count today towards public charge. Different rules apply to those seeking a visa from outside the US. Talk to an immigration attorney to learn more.

**The public charge rule does NOT apply to many types of immigrants.** Refugees, green card holders, survivors of certain crimes, and other immigrants are exempt from rules about public charge regardless of the proposed changes. See below for a complete list of exempt categories.

**This list of immigrants is NOT subject to Public Charge rules.**

*These categories are exempt from public charge tests under the law and will continue to be exempt under any new rules.*

- Refugees and asylees
- Green Card holders applying for US citizenship
- Certain people paroled into the US
- VAWA self petitioners
- Amerasian immigrants
- Active duty military or members of the Reserves, their spouses and children
- T or U visa holders (Survivors of trafficking, DV, or other crimes)
- Special immigrant juveniles
- Cuban, Nicaraguan, or Haitian entrants
- Registry applicants (in US before 1972)
- Some immigrant children admitted to the US for adoption

## What you can do:

**Do not give up benefits your family needs due to rumors or fear.** The new rules are not yet in effect and may not affect you. Get advice so you can make the right choice for you and your family.

**Stay informed and speak up about real changes.** If the rules do change, you will have time to act before the new rules go into effect. Follow [oregonimmigrationresource.org](https://oregonimmigrationresource.org) and [protectingimmigrantfamilies.org](https://protectingimmigrantfamilies.org) for the latest news and to make your voice heard.

**Find an immigration attorney:** [oregonimmigrationresource.org/resources/](https://oregonimmigrationresource.org/resources/)

**Call Oregon's Public Benefits Hotline:** 1-800-520-5292.