

Disclaimer: This document is developed for informational purposes only. It is not intended to provide legal advice. Please consult a public benefits or immigration attorney if you are uncertain about your status or how the public charge rule may impact you.

What is the Public Charge Rule?

The term applies to a test used by immigration officials to decide whether a foreign-born individual can enter the U.S., adjust to lawful permanent resident (LPR) status (i.e., get a green card), change or extend a visa. It **cannot** be used to deport someone who is already in the U.S.

The following individuals and groups are exempt from the Public Charge rule:

- Refugees
- Asylum applicants
- Refugees and asylees applying for adjustment to lawful permanent resident status (LPR)
- Naturalized citizens
- Amerasian Immigrants (for their initial admission)
- Individuals granted relief under the Cuban Adjustment Act (CAA)
- Individuals granted relief under the Nicaraguan and Central American Relief Act (NACARA)
- Individuals granted relief under the Haitian Refugee Immigration Fairness Act (HRIFA)
- Individuals applying for a T Visa
- Individuals applying for a U Visa
- Individuals who possess a T visa and are applying for adjustment to permanent resident status
- Individuals who possess a U visa and are applying for adjustment to permanent resident status
- Special immigrant juveniles
- VAWA self-petitioners
- U.S. military veterans or those currently serving in the military

Public Charge is not considered in the following situations:

- Applying for Temporary Protected Status (TPS)
- Applying to renew DACA status
- Applying for cancellation of removal in immigration court
- Applying for naturalization

Summary of Public Benefits

Public Benefits <u>Not</u> Considered for Public Charge (* = useful resource during Covid-19)	Public Benefits Considered for Public Charge
<ul style="list-style-type: none"> ▪ *Covid-19 testing (available to everyone regardless of immigration or healthcare coverage status) ▪ *Covid-19 related medical treatment and preventative care (including a potential vaccine) ▪ *Use of Community Health Centers <ul style="list-style-type: none"> ○ The Minnesota Association of Community Health Centers provides a list of centers throughout the state ▪ *Food pantries/shelves ▪ *Homeless shelters ▪ *Emergency medical assistance EMA) <ul style="list-style-type: none"> ○ The Minnesota Department of Human Services (DHS) provides Information about EMA options for residents ▪ Emergency Disaster Relief <ul style="list-style-type: none"> ○ Immigrants of any status can qualify for <u>non-cash</u> Federal Emergency Management Agency (FEMA) programs. ▪ National school lunch programs ▪ The Special Supplemental Nutrition Program for Women, Infants, and Children ▪ The Children’s Health Insurance Program ▪ Subsidies for foster care and adoption ▪ Government-subsidized student and mortgage loans ▪ Energy assistance ▪ Head Start 	<ul style="list-style-type: none"> ● Supplemental Security Income (SSI) ● Temporary Assistance for Needy Families (TANF). Minnesota’s TANF funded programs include: <ul style="list-style-type: none"> ○ Minnesota Family Investment Program (MFIP) ○ Diversionary Work Program (DWP) ● Any federal, state, local, or tribal cash benefit programs for income maintenance (often called general assistance in the state context, but which may exist under other names) ● Supplemental Nutrition Assistance Program (SNAP/food stamps) ● Section 8 Housing Assistance under the Housing Choice Voucher Program ● Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation) ● Public Housing (under the Housing Act of 1937, 42 U.S.C. 1437 et seq.) ● Federally funded Medicaid (MA). Minnesota’s MA) program is the Children’s Health Insurance Program (CHIP). <u>Exemptions</u> from public charge for MA funded programs include the following uses: <ul style="list-style-type: none"> ○ For the treatment of an emergency medical condition ○ As services or benefits provided in connection with the Individuals with Disabilities Education Act ○ School-based services or benefits provided to individuals who are at or below the oldest age eligible for secondary education as determined under state or local law ○ By children under the age of 21 ○ By pregnant women and by women within the 60-day period beginning on the last day of the pregnancy