



Public Charge Rule: Key Points

What is the new public charge rule?

A court ruling on Jan. 27, 2020, upheld the new public charge ruling that will be effective on Feb. 24, 2020. The federal Department of Homeland Security (DHS) has issued rules that allows the government to deny an individual's application for entry into the U.S. or deny an application to change their immigration status if they use public benefits, including Medicaid.

- The rule defines a “public charge” as an immigrant who uses public benefits or relies on the government for financial support.
- Individuals can be considered a public charge if they currently use public benefits or are likely to use them in the future. The determinations are based on education and income levels, among other factors.

The new rule expands the public benefits that DHS considers in public charge determinations to include:

- Medicaid, except for anyone under age 21 and pregnant women
- Food stamps, also known as the Supplemental Nutrition Assistance Program or SNAP
- Temporary cash assistance
- Section 8 housing assistance and certain other forms of subsidized housing

Other public benefits, including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI) and Public Assistance for Long-term Care in an institution, will continue to be used in public charge determinations.

Who does this rule apply to?

- Individuals seeking admission into the U.S.
- Individuals seeking to adjust their status to become a lawful permanent resident or green card holder from within the U.S.
- Individuals within the U.S. who hold a nonimmigrant visa and seek to extend their stay in the same classification or change their status to a different nonimmigrant classification.

Who is considered a “public charge?”

A public charge is an immigrant who receives one or more public benefits for more than 12 months aggregate total within a 36-month period. For example, if a person receives two benefits in one month, that is considered two months of public benefits. The way these benefits are

counted is determined by whether it is before or after Feb. 24, 2020. We recommend you speak to an immigration expert to understand your situation.

Who are the exceptions to the rule?

It is very important to know there are exceptions to this rule, especially when it comes to health insurance. The new rule will NOT apply to:

- Those who have used benefits before Feb. 24, 2020.
- Medicaid recipients under age 21.
- Medicaid recipients who are pregnant and up to 60 days postpartum.
- Children who receive coverage through the Maryland Children’s Health Program (MCHP).
- People who receive a private health plan through Maryland Health Connection including those who get Advanced Premium Tax Credits (APTC) to help pay for their plan.
- Humanitarian programs for refugees and asylum recipients, or petitioners under VAWA (Violence against Women Act).
- Recipients of emergency medical services or disaster relief funds.
- Applicants for Temporary Protected Status (TPS).
- Immigrants who have already obtained Lawful Permanent Resident status (green card holders)

Are lawful permanent residents who have met the five-year bar and are now eligible for Medicaid subject to the public charge?

In most cases, a lawful permanent resident or green card holder who has been in the U.S. for five or more years (five-year bar) can receive Medicaid benefits without having those benefits considered in a public charge determination. However, in some cases a lawful permanent resident may be subject to the public charge upon their return to the U.S. after extended travel abroad because they might then be viewed as an applicant for admission to the U.S.

What if some family members receive public benefits and others do not?

If you are applying to change your immigration status, only the public benefits that you receive for yourself count. For example, if your children receive Medicaid, MCHP or food stamps, it will not count against you. If you have questions about your specific family situation, you should speak to an immigration expert.

Disclaimer

This material is provided for informational purposes only and not for the purpose of providing legal advice. You should contact an attorney to obtain advice with respect to any particular issue or problem.

Resources for Immigration Legal Services

Organization	Location & Phone Number	Website & Email Address
CASA (Multicultural Center)	8151 15th Ave.	WeAreCasa.org

	Langley Park, MD 20783 (301) 431-4185 *Additional locations in Baltimore, Silver Spring & Hyattsville	info@wearecasa.org
Catholic Charities of Baltimore	430 S. Broadway Baltimore, MD 21231 (410) 534-8015	CatholicCharities- MD.org/immigrants
Catholic Charities of Washington D.C.	201 E. Diamond Ave., 3rd Floor Gaithersburg, MD 20877 (301) 740-2523 12247 Georgia Ave. Silver Spring, MD 20902 (301) 942-1790	CatholicCharitiesDC.org Communications@CatholicC haritiesDC.org
Catholic Charities of Wilmington (Eastern Shore Office)	30632 Hampden Ave. Princess Anne, MD 21853 (410) 651-9608	CDOW.org/immigration immigration@ccwilm.org
Chesapeake Multicultural Resource Center	20 Bay St. Easton, MD 21601 (443) 786-1120	ChesMRC.org mateo@chesmrc.org
Foreign-born Information and Referral Network, Inc.	5999 Harpers Farm Road Suite E-200 Columbia, MD 21044 (410) 992-1923	FirnOnline.org info@firnonline.org
HIAS Global Headquarters	1300 Spring St., Suite 500 Silver Spring, MD 20910 (301) 844-7248	Hias.org legalhelp@hias.org
International Rescue Committee (Silver Spring Office)	8719 Colesville Road, 3rd Floor Silver Spring, MD 20910 (301) 562-8633 Ext. 236	Rescue.org silverspring@rescue.org
International Rescue Committee (Baltimore Office)	1900 N Howard St., Suite 200 Baltimore, MD 21218 (410) 327-1885 Ext. 260	Rescue.org laura.brown@rescue.org
Justice For Our Neighbors (Monthly Legal Clinic)	(240) 825-4424 3405 Gough St.	DCMDJFON.org contact@dcmdjfon.org

	Baltimore, MD 21224 9008 Rosemont Drive Gaithersburg, MD 20877 6201 Belcrest Road, #207 Hyattsville, MD 20782	
Kids in Need of Defense	1800 N. Charles St., Suite 810 The Walbert Building Baltimore, MD 21201 (443) 470-9437	SupportKind.org infobaltimore@supportkind.org
Maryland Coalition Against Sexual Assault	P.O. Box 8782 Silver Spring, MD 20907 (301) 565-2277	MCasa.org
Mid Shore Pro Bono	8 S. West St. Easton, MD 21601 (410) 690-8128	MidShoreProBono.org info@midshoreprobono.org
Sexual Assault/ Spouse Abuse Resource Center	P.O. Box 1207 Bel Air, MD 21014 (410) 836-8430	Sarc-Maryland.org/about
Spanish Speaking Community of Maryland, Inc.	8519 Piney Branch Road Silver Spring, MD 20901 (301) 587-7217	SpanishCommunityofMD.org info@spanishcommunityofmd.org
Tahirih Justice Center (Baltimore Office)	201 N Charles St., Suite 920 Baltimore, MD 21202 (410) 999-1900	Tahirih.org baltimore@tahirih.org
Women's Law Center of Maryland - Multi-Ethnic Domestic Violence Project	111 N. Calvert St., Room 100 Baltimore, MD 21202 (410) 396-3294	WLCMD.org/projects admin@wlcmd.org