



Public Charge: UPDATE MARCH 2021

There are some important changes to the public charge rule. We want you to have the correct information so that you can continue to keep your family stable and healthy. We are a stronger Colorado when all of our residents have access to critical programs that support a healthy community.

What is Public Charge?

Some people must pass a public charge test when they apply for a green card (lawful permanent residence) or a visa to enter the U.S. The test looks at whether the person is likely to use certain government services in the future. In making this determination, immigration officials review all of a person's circumstances, including age, income, health, education/skills, and their sponsor's affidavit of support or contract. They can also consider whether a person has used certain public programs.

What recently changed?

The public charge rule has been in place for years, but back in 2019, the rule was expanded to include additional benefit programs. However, because of recent developments in federal court and actions by the new federal administration, the government is not applying the 2019 public charge rule moving forward. With these recent changes at the national level, the rule reverts back to its 1999 version, which is very limited in scope.

Which public benefit programs are included in the public charge test?

INCLUDED PROGRAMS*	EXCLUDED PROGRAMS
<ol style="list-style-type: none">1. Cash assistance programs (SSI, Colorado Works/TANF, OAP (Old Age Pension), AND (Aid to the Needy Disabled)2. Government-funded programs that support long-term, institutional care	<ol style="list-style-type: none">1. Supplemental Nutrition Assistance Program (SNAP, Food Assistance, or Food Stamps)2. Federal Public Housing & housing vouchers (Section 8/Housing Choice Vouchers and Continuum of Care)3. Medicaid/Health First Colorado4. Emergency Medicaid5. WIC6. CHIP and CHP+7. School breakfasts & lunches8. Energy assistance (LEAP)9. Tax credits (such as EITC)10. CCCAP11. <u>All other benefit programs</u>

"Included programs" refers to the government programs considered during the public charge test, alongside other factors like income, for certain individuals during certain immigration processes. "Excluded programs" are not considered.

Who does the Public Charge Rule Apply to?

Not all immigrants are affected by the public charge rule.

	US citizens	Public charge does NOT apply to you.
	Lawful Permanent Residents / Green card holders	Public charge does NOT apply to you. It will NOT affect applications for citizenship or green card renewals. (*However, if you plan to leave the U.S. for more than 180 days, consult a legal expert.)
	Individuals with Temporary Protected Status (TPS), a U or T visa, Asylum, Refugee, other refugee-eligible populations, or Special Immigrant Juvenile Status, including those applying for these statuses	Public charge does NOT apply to you.
	Individuals who are planning to apply for a green card or visa from inside the US	Public charge MAY apply to you. Only the use of very few government programs (listed above) will be considered in the application, along with other factors like income.
	Individuals who are applying for a green card or visa from outside the US	Public charge MAY apply to you. Talk with an expert before making decisions.

What else do I need to know?

- Most immigrants who are subject to public charge are not eligible for the benefits that count under the test, and the majority of benefits are not considered in the public charge assessment.
- The rule that applies currently is the same rule that had been in place since 1999 and is much more limited than the 2019 rule.
- Vaccines for COVID-19 have not been and will not be considered under public charge.
- If you are concerned about the public charge rule, please reach out to a legal expert or a trusted community agency. We want your family to stay safe and healthy, and our programs can help you do that.