



Literacy Volunteers Diane Sheehey, Esq.

diane.sheehey@rescue.org

From Harm to Home | Rescue.org

“Public Charge”


You are “inadmissible” if likely to become a public charge.

2

From Harm to Home | Rescue.org



You are a “public charge” if you received:

1. Supplemental Security Income (SSI)
2. Temporary Assistance to Needy Families (TANF)
3. Long-term care
4. Medicaid (except “emergency”, children under 21, pregnancy plus 60 days after birth, school/disability)
5. Supplemental Nutrition Assistance Program (SNAP) 
6. Section 8 housing voucher, rental assistance
7. Public housing



3

From Harm to Home | Rescue.org



2/24/2020 Rule Changes

CONSISTENT

- SSI
- TANF
- State general relief or general assistance
- Medicaid that covers institutionalization for long-term care

FEBRUARY 24 ADDITIONS

- Nonemergency Medicaid
- SNAP
- Section 8 Housing Choice Voucher Program
- Section 8 Project-Based Rental Assistance
- Public Housing

4

From Harm to Home | Rescue.org



What does NOT make you an "automatic" public charge:

1. Emergency medical assistance
2. Disaster relief
3. National school lunch or school breakfast programs
4. Foster care and adoption
5. Head Start
6. Child Health Insurance Program
7. Earned Income Tax Credit or Child Tax Credit
8. Private charity

5

From Harm to Home | Rescue.org



Can I get tested or treated for, or vaccinated against COVID-19 without a problem under the public charge rule?

YES - even if paid for by Medicaid



6

From Harm to Home | Rescue.org



Can I collect unemployment?

YES - it is an "earned benefit"



7

From Harm to Home | Rescue.org



Can I accept a "recovery rebate" or "stimulus check" or "tax rebate" under the CARES ACT? (\$500 for child, \$1200 adult)

YES, if eligible. It is a "tax rebate"



8

From Harm to Home | Rescue.org



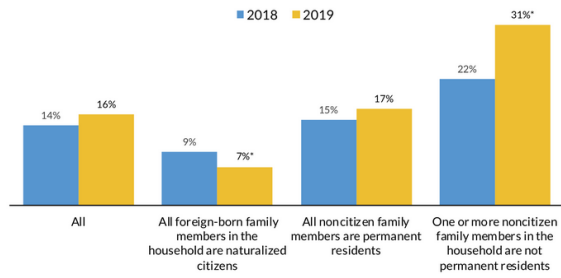
THE URBAN INSTITUTE STUDY

9

From Harm to Home | Rescue.org



Share of Adults in Immigrant Families Who Avoided Noncash Government Benefits in the Past Year Because of Green Card Concerns, Overall and by Household Citizenship and Immigration Statuses, December 2018 and 2019



What else is new since 2/24/2020 rule changes?

1. Before new rules, if there was an adequate Affidavit of Support, the inquiry ended.
2. Now, adequate Affidavit of Support **PLUS** "totality of circumstances"

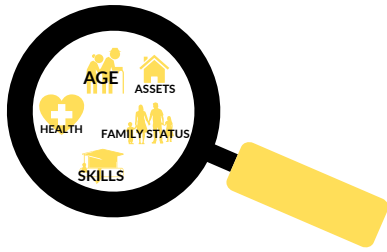


What is an Affidavit of Support?

1. A promise by the **sponsor** to financially support the person seeking admission, and
2. A promise by the **sponsor** to reimburse the federal government for any payments made (see list) to that person
3. Income of at least 125% of poverty is good enough



What is "totality of the circumstances"?



13

From Harm to Home | Rescue.org



Thank you.
Diane Sheehey, Esq.
diane.sheehey@rescue.org

14

From Harm to Home | Rescue.org