

Public Charge Issues

*A Review of USCIS and Dept of State Implementation
of the New Public Charge Rules*

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Presenters

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Public Charge Inadmissibility: INA § 212(a)(4)

- Likely at any time to become a “public charge”
- USCIS or consular officer to look at applicant’s:
 - Age
 - Health
 - Family status
 - Assets, resources, financial status
 - Education and skills
 - Affidavit of support if applicable

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Who Is Subject to Public Charge?

- Applicants for adjustment of status in the U.S.
- Applicants for an immigrant visa abroad
- Applicants for a nonimmigrant visa abroad
- Applicants for admission at the U.S. border, including some LPRs
- Applicants for extension or change of status (must indicate receipt of public benefits)

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Who Is Not Subject to Public Charge

- Refugees and asylees
- Cubans
- Amerasians
- Afghan, Iraqi interpreters
- Registry
- NACARA
- HRIFA
- Lautenberg parolees
- Special immigrant juveniles
- T visa
- U visa
- VAWA recipients
- TPS applicants
- DACA renewals
- LRIF adjustment

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Current Definition of Public Charge

- Likely to receive one or more of these:
 - Supplemental Security Income (SSI)
 - Temporary Assistance to Needy Families (TANF)
 - State cash general assistance/general relief
 - Long-term care for institutionalized
 - Medicaid (with important exceptions)
 - SNAP (food stamps)
 - Section 8 housing: Housing Choice Voucher and Project-Based Rental Assistance
 - Public housing
- For more than 12 months in 36-month period

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