

# 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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