

KNOW THE FACTS ABOUT PUBLIC CHARGE IN NM

Public Benefits, Immigration, and your Family

Rumors about proposed rule changes related to the use of public benefits and immigration applications have many immigrants and their families worried about accessing safety net programs like WIC, SNAP (food stamps), Medicaid, and energy assistance.

Public charge does not apply to many benefits and many categories of immigrants. Do not give up important benefits that your family needs, like food assistance and health care, based on rumors and fear. Be informed so you can make the right choice for you and your family.

What is “Public Charge” and what could change?

Public Charge is the term used by immigration officials to refer to people who primarily rely on government cash assistance, such as TANF, to support themselves. Being a “public charge” can impact a person’s eligibility for a green card or a visa.

The federal government is proposing a change to the definition of public charge that would create immigration consequences for some families who access SNAP, Medicaid, and other services. This change could affect many families seeking residency, but it is still just a proposal.



Quick Facts about Public Charge:

1. Public Charge does not apply to everybody.

Learn how the rule applies to you.

2. Don’t give up services your family needs due to rumors or fear.

3. You are not alone.

Immigration attorneys, legal service providers, and community partners are available to answer your questions and make the best decision for your family.

Contact an immigration attorney with questions about immigration options and public benefits. Find legal help at:
<http://nmpoertylaw.org/find-services-%20and-%20benefits/legal-help/>

4. There is still time to act before new rules go into effect.

Sign up at <http://ow.ly/miX730IW5kM> for the latest news and to oppose the changes.



What you need to know:

The rules have not yet changed for those applying for green cards who will have their residency interview in the U.S. Most public benefits (like health care, food assistance, WIC, housing assistance, and many more) **DO NOT** count today towards public charge. Different rules apply to those seeking a visa from outside the US. Talk to an immigration attorney to learn more.

The public charge rule does NOT apply to many types of immigrants. Refugees, green card holders, survivors of certain crimes, and other immigrants are exempt from rules about public charge regardless of the proposed changes. See below for a complete list of exempt categories.

What you can do:

Do not give up benefits your family needs due to rumors or fear. The new rules are not yet in effect and may not affect you. Get advice so you can make the right choice for you and your family. Stay informed and speak up about real changes. If the rules do change, you will have time to act before the new rules go into effect. Follow nmpoertylaw.org and protectingimmigrantfamilies.org for the latest news and to make your voice heard.

How does Public Charge apply today?

Current list of benefits that may result in a public charge determination.

- SSI
- TANF
- Long term care in an institution paid for by the government

List of immigrants NOT subject to Public Charge rules :

(These categories are exempt from public charge tests under the law and will continue to be exempt under any new rules.)

- Refugees and asylees
- Green Card holders applying for US citizenship
- Certain people paroled into the US
- VAWA self petitioners
- Cuban, Nicaraguan, or Haitian entrants
- T or U visa holders (Survivors of trafficking, DV, or other crimes))
- Amerasian immigrants
- Special immigrant juveniles
- Registry applicants (in US before 1972)

