

# Know the Facts about Public Charge

*(This fact sheet is not a substitute for legal advice.) Updated 2-14-22*

Last year, on March 9, 2021, the Trump administration's discriminatory Public Charge rule was permanently **BLOCKED**, and is no longer in effect anywhere in the United States. Now, immigrants can safely get public benefits that support their health, nutrition, and housing without fear of impact on their immigration status.

The very old, very limited Public Charge rule is back in place, but remember that:

- Many immigrants are exempt from the Public Charge Rule.
- Most immigrants who qualify for public benefits are exempt from the Public Charge rule.
- Most benefits received by an immigrant's children or other family members **DO NOT** count during an immigrant's public charge test in the US.

**Some of the types of immigrants who are exempt and do not have to worry about Public Charge (as long as they don't leave the U.S. for more than 6 months) are:**

- Refugees + Asylees
- People who are already LPRs (green card holders) including those renewing their LPR card
- VAWA (Violence Against Women Act) self-petitioners
- T or U Visa applicants/holders (some survivors of trafficking, domestic violence, or other crimes)
- Special immigrant juveniles
- Active military duty families, and others.

Now, the Public Charge rule **ONLY** considers an immigrant's use of 1. TANF (monthly cash benefit), 2. Supplement Security Income (SSI) from Social Security for people with disabilities, and 3. Long Term Care paid for by the government. No other benefits are considered in the public charge test!

**Many benefits, like those on the list below, are safe, and do not count in any public charge test:**

- **Medicaid (OHP) for adults and kids**
- **Medicaid (OHP) for pregnant women, including 60 days post-partum**
- **Reproductive health coverage**
- **Emergency Medicaid (CAWEM)**
- **Oregon's Cover All Kids program**
- **SNAP food benefits (food stamps)**
- **Public housing and Section 8 subsidized housing**
- **WIC (Nutrition assistance for women, infants, and children to age 5)**
- **Special Education**
- **School-based health services for school-aged kids**
- **Social Security Retirement**
- **School lunch and Pandemic EBT**
- **Medicare**
- **Unemployment Insurance**
- **Food from the food bank or food boxes**
- **Employment Related Day Care**
- ***COVID -19 testing, care, and vaccination***
- ***Disaster or emergency assistance or benefits***

**And many, many more!**

## **Have Questions?**

- Seek advice from an immigration attorney. Find immigration attorneys at
- <https://oregonimmigrationresource.org/resources/?tab=legal-help>
- Seek public benefits/public charge legal advice from Legal Aid/Oregon Law Center's Public Benefits Hotline at **1-800-520-5292**.
- Stay informed about changes to Public Charge by checking [oregonimmigrationresource.org](https://oregonimmigrationresource.org) and [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org).