

# Know the Facts about Public Charge

*(This fact sheet is not a substitute for legal advice.) Updated 10-10-2022*

The Biden Administration's new Public Charge rule makes it safe for immigrants to get most public benefits that support their health, nutrition, and housing. The rule becomes effective Dec. 23, 2022.

## The new Public Charge rule says:

- Most immigrants who qualify for public benefits are exempt from Public Charge.
- Benefits received by an immigrant's children or other family members **DO NOT** count during an immigrant's public charge test in the US.
- Benefits such as health care, housing assistance, food and nutrition, utility assistance, short term institutionalization, and community based care (like care in an assisted living facility or in-home caregiving) **DO NOT** count in a public charge test;
- Only monthly cash benefits that are a person's main income (like TANF or SSI), or long term institutionalization paid for by the government can count in a Public Charge test. Even if an immigrant gets these benefits, they aren't necessarily going to be considered a "Public Charge".

## These immigrants are exempt from the Public Charge rule

(if they don't leave the US for more than 180 days)

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

**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 + Healthier Oregon Programs
- 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
- Short term Rehabilitation in an institution

**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).