

PUBLIC CHARGE RULE
De Novo's presentation AUG 6, 2025

1. What are Public Benefits?

Public benefits are help from the government for basic needs like health care, housing, food, or cash. They can be from the federal, state, or local government.

2. What is the Public Charge?

Applicable to people who want to (1) Be admitted into the US, (2) AOS

Public Charge is a ground of inadmissibility to the U.S. It doesn't apply to all immigrants. It mainly applies to certain LPR applicants. It can be a reason for the denial of admission into the U.S.

Meaning: Are you likely to become dependent on the Gvt in the future?

Section of the law: INA s. 212(a)(4)

3. What is inadmissibility?

People not permitted by law to enter or remain in the United States. Grounds are listed in the INA.

4. Not all immigrants are subject to the PCR- Not subject to PCR but have “chilling effect”

- USC (born or naturalized)
- Green card holders (renewing)
- Refugees & asylum seekers
- Refugees applying for AOS--- have to check the new changes from Friday 08/01
- Cuban Adjustment Act
- U/T Visa applicants/ holders
- VAWA applicants
- SIJs
- TPS applicants
- DACA renewals
- NACARA

5. Public Charge Rule Test

1. Totality of the circumstances
Age, health, family status, assets, resources, financial status, education, skills, affidavit of support
2. Affidavit of support (when sponsored by family or work)

6. What benefits are considered when determining public charge?

- Food stamps
- Health insurance
- Rental assistance

7. What benefits are NOT considered when determining public charge?

- Non cash benefits
- Medicaid

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- WIC
- Free school meals
- Unemployment
- Section 8
- Food Pantries
- College financial aid
- Children's health insurance/ services
- Emergency disaster relief
- Job training programs
- Privately funded programs
- SSI yes/SSDI no

8. My child is a USC and I am not. I am receiving WIC, SNAP, etc. Am I subject to Public Charge?

No. Public benefits received by family members are not counted against you, unless the cash benefits are supporting the whole family (usually it's not enough \$).

9. Deportable? Removable?

- Non-USCs are deportable if they become a public charge anytime within 5 years after their last entry, unless they can show that it was because of something that happened after entry.
- To be removed:
 1. Benefit program has to sue the immigrant
 2. Program must ask for repayment
 3. Immigrant must refuse to pay