



Fact Sheet – What is Public Charge?

Introduction: You may be reading about “public charge” in the news and wondering how this will affect immigrants you may be working with, or you may be worried about your own status or a family member’s status and have questions.

Background: Public charge has been in effect for decades as a way to determine if someone seeking a Green Card (Lawful Permanent Status) or admission to the U.S. would become “primarily dependent on the government for subsistence” and potentially ineligible for legal status. Currently, the Department of Homeland Security is proposing changes that would broaden the list of public benefits people receive that could be counted against them in determining their status as a public charge. If someone is found to be a public charge, the ability to adjust his or her status or extend a visa or petition for a relative to come to the U.S. could become much harder.

Who could be affected? Public charge does **NOT** apply to refugees, asylees, immigrants on Temporary Protected Status (TPS) or through the Violence Against Women Act protections, U-Visa, T-Visa and others. It also does NOT apply to citizenship applications or Green Card renewals.

When could changes to public charge take effect? The earliest a new rule could go into effect would be mid-February 2019. No one will be affected until these changes are final and new laws cannot be retroactive. Only benefits you use AFTER the law is final can be counted.

What benefits will NOT be part of a public charge? The following benefits will not be included in the public charge test; people should continue to access these benefits for their families: *Social Security, Foster Care or Adoption Assistance, Unemployment or VA benefits, Workers Compensation, WIC, School Breakfast and Lunch, MinnesotaCare, Medicare, Energy Assistance, Earned Income Tax Credit, Child Care Assistance and Head Start.*

Who can help? Please contact an Immigration lawyer to talk through your specific situation before making any decisions about changing the benefits you currently receive, or may need to access. A professional can advise you about which rules apply and how rule changes might affect you so that you can make an informed choice for yourself and your family.

Please use these free resources for help:

[Lutheran Social Service of Minnesota](#)

Twin Cities Walk-In Hours:

Every Tuesday: 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m.
2400 Park Avenue, Minneapolis, MN 55404

First Thursday of the Month: 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m.
River of Life Lutheran Church: 2200 Fremont Avenue North, Minneapolis, MN 55411

St. Cloud Walk-In Hours:

Wednesdays: 9:00 a.m. to 12:00 p.m.
Community Out Post (600 13th St South, St Cloud) 11/14, 11/28, 12/12
Discovery Community School (700 7th St South, Waite Park) 11/7, 11/21, 12/5, 12/19

[Immigrant Law Center of Minnesota](#) 1.800.223.1368 (Mondays, Tuesdays, and Wednesdays at 12-1:30 p.m. Thursdays at 6 -7:30 p.m.)

[Mid-Minnesota Legal Aid](#) 1.800.292.4150 (Monday – Friday 9:00 a.m. – 4:00 p.m.)