



Is your immigration status at risk if you, or a loved one, access public benefits?

This guide was developed by *Breaking Barriers*, a project of the Jubilee Association of Maryland. It provides information for immigrants who seek public benefits but are concerned that the public charge inadmissibility test may affect their current or future immigration status.

If you live in Maryland, we invite you to contact *Breaking Barriers* program staff to learn more or to answer any questions you may have. Please email us at bb@jubileemd.org, or you may call or text us at 240-621-2750.



The public charge inadmissibility test will not apply to you if you are a U.S. citizen or if you are a lawful permanent resident (LPR) and have no plans to leave the U.S. for over 180 days.

Receiving public benefits for which you are eligible should not affect your immigration status if you are:

- an asylee
- a refugee
- a U or T visa applicant
- a U or T visa holder
- a VAWA self-petitioner
- seeking Special Immigrant Juvenile Status (SIJS)
- have been granted SIJS
- seeking to renew a green card
- applying for citizenship, asylum, DACA, TPS, or DED

People that fall into the categories listed in this box do NOT need to refer to the chart on the back of this page.

Additional resources:

Protecting Immigrant Families (PIF), various resources on public charge in English, Spanish, Arabic, Creole, Chinese, Korean, Vietnamese, French and Tagalog (March, 2021):

<https://protectingimmigrantfamilies.org/know-your-rights/>

Links to the Online Public Charge Screening Tool in English, Spanish and Chinese:

- <https://keepyourbenefits.org/en/na/> (English)
- <https://keepyourbenefits.org/es/na/> (Spanish)
- <https://keepyourbenefits.org/cn/na/> (Chinese)

Immigrant Legal Resource Center (ILRC) Community Handout on Public Charge (available in English and Spanish, May 4, 2021):









<https://www.ilrc.org/trump-public-charge-rule-no-longer-effect>

Immigrant Legal Resource Center (ILRC) Public Charge Safe to Use List (available in English and Spanish, May 24, 2021):

<https://www.ilrc.org/public-charge-safe-use-list>

Public Charge Risks Incurred by Non-Citizens Accessing Common Public Benefits

Under the current public charge policy, the only public benefits that can be considered are cash assistance for income maintenance purposes (like SSI, TANF, etc.) and long-term institutional care (like nursing home care). The non-citizens most affected by the public charge ground of inadmissibility are those seeking lawful permanent resident (LPR) status through a family-based visa petition. LPRs who leave the U.S. for over 180 days and seek to re-enter may also be affected.

	SNAP/HEAP cash benefit used for food or utilities only	Supplemental Security Income (SSI) / Temporary Cash Assistance (TCA) / Temporary Assistance for Needy Families (TANF) or other cash assistance benefits for income maintenance	Medicaid / Medical Assistance or Maryland Developmental Disabilities Administration (DDA) Medicaid Waiver Programs including services received under the Community Pathways Waiver, Community Support Waiver, or Family Support Waiver	Housing Programs e.g. through HOC, HUD 811, Weinberg, Rockville Housing Authority, etc.
If the person applying for the benefit is a U.S. citizen, but their parent is not:	No risk for the parent or the child under the current policy. 	The cash assistance received by a child can be considered in a public charge test <i>only</i> if the parent relies on it to support themselves. If the parent has their own source of income, then there is no risk under the current policy. 	No risk for the parent or the child under the current policy. 	No risk for the parent or the child under the current policy. 
If the person applying for the benefit is not yet a U.S. citizen:	No risk for the person applying under the current policy. 	If you are eligible for a cash assistance program, and do not yet have LPR status should consult with an immigration attorney before applying for the benefit. If you are an LPR receiving cash assistance, you should consult with an attorney before leaving the US for more than 180 days. 	Health care is not considered in a public charge test, unless you need the services of a long-term care institution. A person should consult with an immigration attorney if the service they need might be considered “long term institutional care”. 	No risk for the person applying under the current policy. 

This resource was developed by *Breaking Barriers*, a project of Jubilee Association of Maryland, in consultation with immigration attorneys. Immigration policy may change at any time, based on new regulations or laws. For the most up to date information on public charge policy, please visit <https://protectingimmigrantfamilies.org/know-your-rights>. The information in this handout should not be considered legal advice. Please consult with an immigration attorney if you have any questions about your personal situation.