

Public Charge: Immigration Policy Changes

A Resource for Early Support for Infants and Toddlers Providers

What is a “Public Charge”?

The “public charge test” has been part of federal immigration law for more than 100 years. The policy was created to identify people who may depend on government benefits as their main source of income. If the U.S. government determines someone is likely to become a “public charge,” they can deny admission to the United States or refuse an application for lawful permanent residency (a green card).

Changes to Public Charge

Beginning February 24, 2020, the government is changing how it makes public charge decisions. Immigration officials will look more closely at factors like health, age, income, skills and use of public programs. Enrollment in the following public programs will now be included in the public charge test:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (except for emergency services, children under 21 years, and pregnant women)
- Cash assistance programs (such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and General Assistance)*

What Your Family Should Know

If a family asks a service provider questions specific to public charge, the following talking points may be useful:

- **The rule will not count any programs (*other than cash or long-term care*) used before February 24, 2020.** You still have time to make a decision about whether or not to stay enrolled in critical public programs.
- **The public charge test does *not* apply to every immigrant. The “public charge” test only applies to people applying for a green card or a visa to enter the United States.** It does *not* apply to legal permanent residents applying

* The **existing** public charge policy **already** considers *cash assistance* as evidence of being dependent on government. These benefits will continue to be considered in a determination, along with the new benefits listed above.

Public programs not listed above will *not* be counted in the new public charge test. This includes ESIT, ECEAP, Head Start, WIC, CHIP, public school attendance, school lunches, foodbanks, shelters, and many more.

for U.S. citizenship or many other immigrants with legal status, including refugees, asylum seekers, survivors of domestic violence and other crimes (T or U Visa applicants/holders). Public benefits received by people with one of these statuses will not be counted against them. Lawful permanent residents (or “green card holders”) are not affected unless they leave the U.S. for over 180 days and seek to reenter.

- **Use of public benefits will not automatically make you a public charge.** Immigration officials must look at all your circumstances to determine whether you are likely to become a public charge in the future. This includes age, health, income, assets, resources, education/skills, and more. Positive factors can be weighed against negative factors.
- **Programs used by your U.S. citizen children will not be used against you.**
- **Early Supports for Infants and Toddlers (ESIT) services are not considered in a public charge determination.** Services provided under the Individual with Disabilities Education Act (IDEA), including ESIT services, will not be considered as part of the public charge test, including those that are billed to Medicaid.
- **Every family is different, and the programs that help your family might not even be part of the new changes.** An immigration attorney familiar with this issue can give the advice based on your situation. Local non-profits may also be able to provide help and legal advice. For free or low-cost options visit: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.

Contact Information

The Washington State Department of Children,
Youth & Families Early Support for Infants and Toddlers
(ESIT) Program

PO Box 40970 Olympia, Washington 98504-0970
Phone: (360) 725-3500, FAX: (360) 725-4925

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