New Mexico Human Services Department

Public Charge Guide

**December 2022**

**GETTING MOST BENEFITS & SERVICES DO NOT HARM YOUR IMMIGRATION STATUS**!

The U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) do NOT consider health, food, and housing services as part of the public charge determination. This means many government- funded benefits and services are safe to use.

Use of these government funded benefits and services, will **NOT** hurt your immigration status:

● Medicaid, CHIP, and the marketplace (except for nursing homes or mental health institutions)

● SNAP and Pandemic EBT (food services)

● In-Home Supportive Services

● Public Housing and Section 8

● Women, Infants & Children (WIC), school meals, and many more government benefits and services

## **REMEMBER:** Testing, treatment, and preventative services for COVID-19, including vaccines, are **NOT** considered for public charge purposes

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## **All families are different. Get legal advice.**

● The public charge rule does NOT apply to all immigrants.

● Getting government funded benefits alone does NOT make you a public charge.

● Government funded benefits received by your children and family members do NOT make you a public charge.

● Most people with green cards are NOT subject to the public charge rule.

An immigration or public benefits attorney can give you advice based on your specific situation. You can find a list of legal services providers below:

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| **NM Legal Aid**  505 Marquette Avenue NW  Albuquerque, NM 87102  (505) 243-7871 | **NMILC**  625 Silver Ave SW  Albuquerque, NM 87102  (505) 247-1023 |

It is important to have accurate information, before you make a decision regarding your public benefits, so you can make the right choice for the health and well-being of your family

**MANY IMMIGRANTS SHOULD NOT WORRY ABOUT THE PUBLIC CHARGE RULE.**

Most immigrants are NOT subject to public charge! The rule is mainly applied to people seeking admission (Visa) into the United States or applying to adjust their status (to get a Green Card) through a family-based petition.

Public charge does **NOT** apply to:

● Lawful permanent residents (LPRs) with green cards when they apply for U.S. citizenship or renew their green cards.

● Refugees, Asylees, Temporary Protected Status applicants, DACA applicants or recipients seeking renewal, Special Immigrant Juveniles, asylum applicants, and certain victims of crime, including domestic violence and human trafficking.

**WHAT IS THE PUBLIC CHARGE RULE NOW?**

Public charge is defined as a non-citizen who is likely to become primarily dependent on the government for support, by receiving either:

● cash assistance for income maintenance (TANF, Supplemental Security Income (SSI) and General Assistance) OR

● Are institutionalized for long-term care paid for by the state.

Since March 2021, the public charge rule follows the [1999 field guidance](https://www.federalregister.gov/documents/1999/05/26/99-13202/field-guidance-on-deportability-and-inadmissibility-on-public-charge-grounds). These guidelines do not consider the receipt of most government funded health, food, or housing services in a public charge determination. For additional details visit, [U.S. Citizenship and Immigration Services Public Charge Resources website](https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources).

**WE PROTECT YOUR CONFIDENTIAL INFORMATION**.

When you apply for government funded benefits, your information is only used to decide if you qualify. You do NOT have to share your immigration status if you are only applying for benefits for somebody else, like your child.

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