



KNOW THE FACTS: SNAP and Public Charge

This fact sheet is not a substitute for legal advice. Updated 2-18-2020.

There is a new federal rule that changes how people are found to be a “Public Charge”. It lets the federal immigration agency look at a longer list of public benefits and more factors such as family income when deciding whether a person is likely to become a Public Charge in the future.

As of January 27, 2020, the new Public Charge rule is no longer blocked. The new rule will go into effect on February 24, 2020. The new rule will not be retroactive, so any additions to the Public Charge test won't be applied to anyone until after February 24, 2020.

The new Public Charge rule **does not** apply to everyone.

Generally, the Public Charge rule only applies to:

- People who are seeking admission or readmission into the U.S.
- People applying to adjust to Lawful Permanent Resident (LPR or green card holders) status, or
- People applying for visa extensions/renewals.

Many immigrants who qualify for public benefits are exempt from the Public Charge test.

These are some of the types of immigrants who **do not** have to worry about Public Charge, **as long as they don't leave the U.S. for more than six months:**

- Refugees
- Asylees
- People who are already LPRs (green card holders) including those renewing their LPR card
- VAWA (Violence Against Women Act) self-petitioners
- T or U visa applicants/holders (some survivors or trafficking, domestic violence, or other crimes)
- Special immigrant juveniles
- Active military duty families, and others

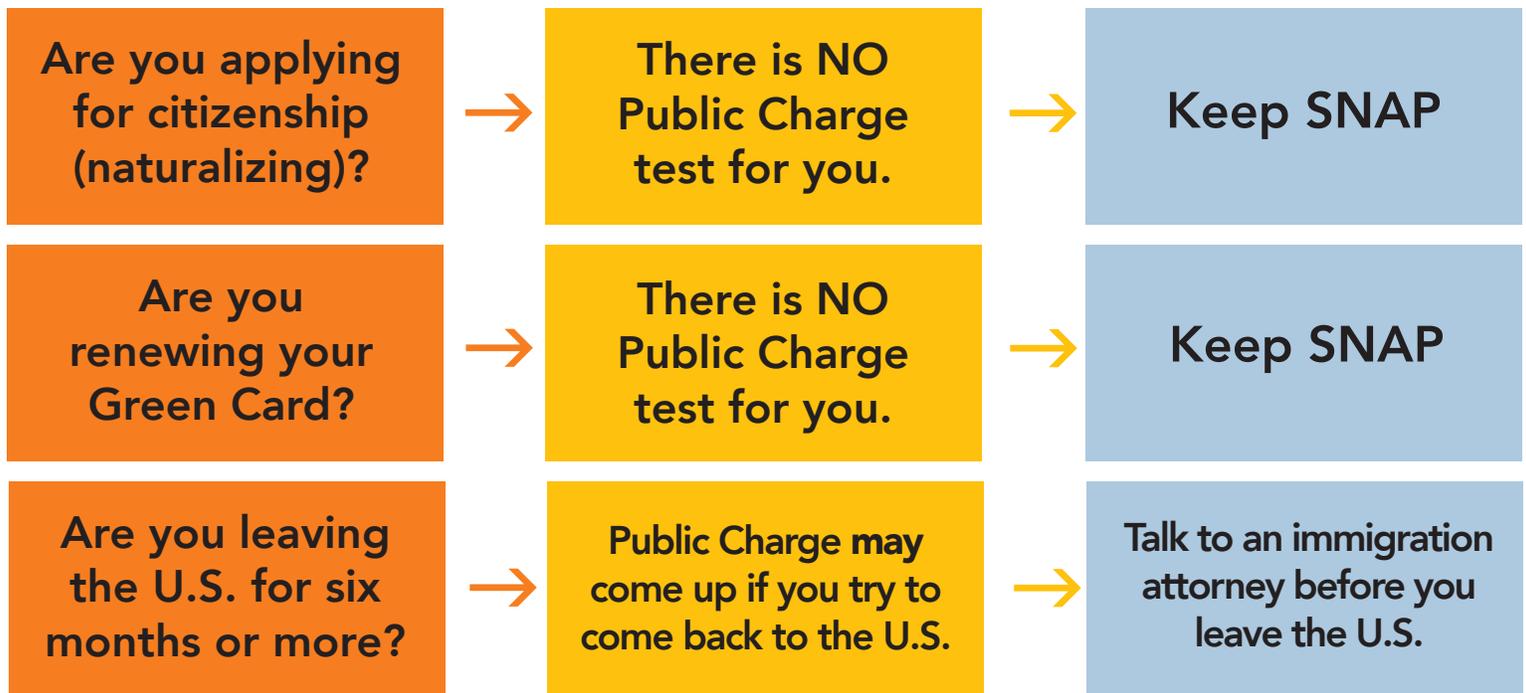
The new Public Charge is clear that benefits received only by an immigrant's family members (children or others) **do not** count during the immigrant's public charge test in the U.S.

What you can do:

Understand whether the public charge test applies to you before you drop any benefits your family needs. There is no one right answer for everyone. See the back of this sheet for some guidance.

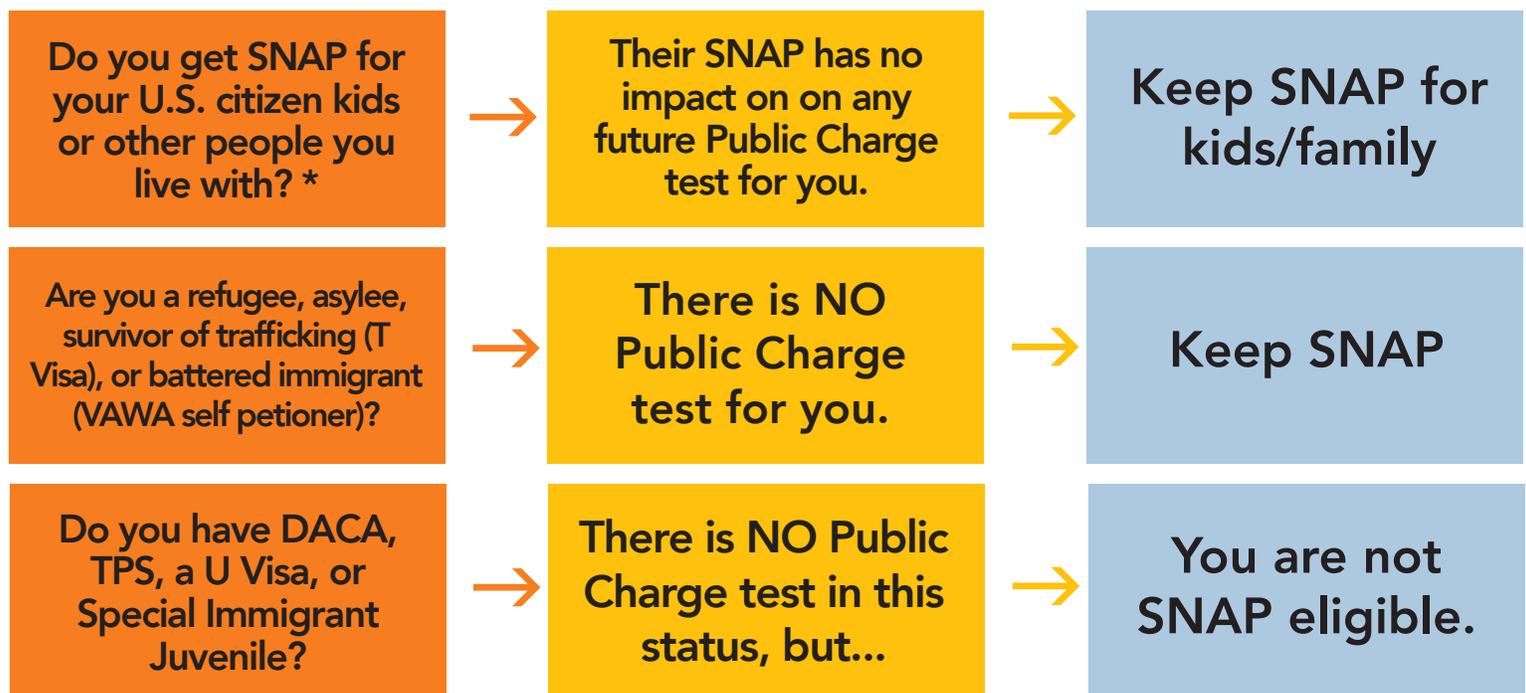
- Seek advice from an immigration attorney. Find immigration attorneys at oregonimmigrationresource.org
- Seek public benefits/public charge legal advice from Legal Aid/Oregon Law Center's Public Benefits Hotline at **1-800-520-5292**
- Stay informed about changes to Public Charge by checking oregonimmigrationresource.org and protectingimmigrantfamilies.org

What to know about Public Charge and SNAP if you have a Green Card



Note: To qualify for SNAP, Green Card holders typically need to have Lawful Permanent Residency status for 5 years unless they are a child under 18, have a severe disability, have work history, or had earlier humanitarian status, such as refugee or asylee.

What to know about Public Charge and SNAP if you do not have a Green Card



*Ineligible adult immigrants may be able to get SNAP on behalf of eligible household members, such as your U.S. citizen kids. If you get an EBT card on their behalf (with your name on it), benefits on the card are for eligible household members.

This material is adapted from materials created by Oregon Law Center, Causa, Oregon Health Coalition, Massachusetts Law Reform Institute, Worcester County Food Bank, Merrimack Valley Food Bank, The Food Bank of Western Massachusetts, The Greater Boston Food Bank, and Project Bread.