



CHC NYS

Community Health Care Association of New York State

Who is subject to Public Charge?

The public charge test goes into effect on October 15th, 2019. **The public charge test only applies to some individuals applying for a green card and certain visas.** This is not a legal document and does not constitute legal advice. If you have questions about your immigration status, please contact an immigration attorney. For free legal assistance, regardless of immigration status, contact the Office for New Americans Hotline: 1-800-566-7636.

Public Charge **does not apply** if:

- You already have a green card
 - BUT, if you leave the US for more than 6 months consecutively and seek to reenter the US, public charge may apply.
- You are applying for:
 - U.S. citizenship
 - Asylum
 - Refugee status
 - Special Immigrant Juvenile Status
 - Temporary Protected Status (TPS)
 - Violence Against Women Act (VAWA)
 - U visas
 - T visas
 - DACA Renewal
 - Green Card Renewals
 - Green cards based on U, T, SIJ, VAWA, or Asylum

Public Charge **might apply** if:

- You plan to apply for a green card or visa from inside the US.
 - If anyone from your family is applying for a green card or certain visas, your receipt of public benefits will not affect their public charge determination test. Additionally, your family members' (including citizen and noncitizen children) and/or sponsor's receipt of public benefits will not be counted against you in a public charge determination test.

This document only applies to individuals living inside the US. If you live outside of the US, and you or your family plans to apply for a green card or visa from outside of the US, public charge may apply - please speak to an attorney.