

What is public charge?

Some people must pass a public charge test when they apply for a green card (lawful permanent residence) or a visa to enter the U.S. The test looks at whether the person is likely to use certain government services in the future. **The public charge test does not apply to all immigrants.**

Who does the rule apply to?

	US citizens	Public charge does NOT apply.
	Lawful Permanent Residents / Green card holders	Public charge charge does NOT apply*. It will NOT affect applications for citizenship or green card renewals. (*However, if someone plans to leave the country for more than 180 days, they should consult an immigration attorney.)
	Temporary Protected Status (TPS), a U or T visa, Asylum, Refugee, other refugee-eligible populations, or Special Immigrant Juvenile Status, including those applying for these statuses	Public charge does NOT apply.
	Individuals who are planning to apply for a green card or visa from inside the US	Public charge MAY apply. Only the use of certain public programs (listed below) will be considered in the application, along with income, age, health, education, skills, family situation, and sponsor's affidavit of support.
	Individuals who are applying for a green card or visa from outside the US	Public charge MAY apply. Immigration offices outside the U.S. use different rules in making this decision. Talk with an expert before making decisions.

Most people subject to the new rule are not eligible for public benefits. The percentage of your customers affected is low. **Programs that help support Coloradans are important to our collective health and wellness, and we should not encourage disenrollment based on misunderstanding.**



Which public benefit programs are included in the public charge test?

INCLUDED PROGRAMS*

EXCLUDED PROGRAMS

1. Supplemental Nutrition Assistance Program (SNAP, Food Assistance, or Food Stamps)
2. Federal public housing, and housing vouchers (Section 8/Housing Choice Vouchers, and Continuum of Care)
3. Medicaid/Health First Colorado (except for emergency services, kids under 21, pregnant women, and new moms)
4. Cash assistance programs** (SSI, Colorado Works/TANF, OAP (Old Age Pension), AND (Aid to the Needy and Disabled)

1. WIC
2. CHIP and CHP+
3. School breakfasts & lunches
4. Emergency medical assistance
5. Energy assistance (LEAP)
6. Tax credits (such as EITC)
7. All other benefit programs

**Included programs” refers to the government programs considered during the public charge determination, alongside other factors like income. “Excluded programs” are not considered.

**Cash assistance programs were previously included in the public charge test.

What about people the rule DOES apply to?

Use of public benefits will not *automatically* mean that an individual will be deemed a “public charge” when they apply for legal permanent residency/green card or a visa. Other factors, like income, age, health, education, skills, family situation, and sponsor’s affidavit of support, are also considered, and public charge determinations are made on the *totality* of the circumstances of each individual applicant. However, under the new rule, additional public benefit programs are included as part of the public charge test. **There are also vital programs that are not considered.**

If a customer or patient plans to apply (or is applying) for legal permanent residency/green card or a visa, you can refer them to legal service partners in your area so that they can make an informed choice about enrolling in benefits. Please refer to the Colorado Office of Legal Access Programs Resource Sheet or search for immigration lawyers in Colorado on aila.org. Local community-based partners who work with immigrants may also have resources to share. We also encourage you to help these customers and patients find other solutions for their needs, such as food banks, and to enroll them in excluded programs, if they are eligible, such as LEAP.



Additional FAQs:

Additional information and resources can be found on the Colorado Department of Human Services [website](#).

The public charge test is not new. The new rule adds additional programs that are considered, however, like Medicaid and SNAP.

The public charge test does not count the use of benefits by a person's family members. The use of benefits by children or other household members would not be counted against an individual applying for permanent residency or admission to the United States.

An immigrant who is found more likely than not to become a "public charge" **MAY** be denied admission to the U.S. or lawful permanent resident status. However, failure to pass the public charge test does not impact a person's current immigration status. An existing visa held by an applicant that fails the public charge test would expire under its regular terms.

A list of further refugee-eligible populations exempted from the rule can be found on the [Eligibility Desk Aid Relating to Certain Immigrant Populations](#).

The rule will apply to applications for adjustments of status, extensions of stay or permanent residency postmarked on or after Feb. 24, 2020.

The rule will consider benefits received on or after Feb. 24, 2020. It does not apply retroactively and cannot consider benefits received prior to this date.