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Proposed Law on Public Charge for Denying Cases for More Current and Potential Welfare Benefits Recipients

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Recently, U.S. Citizenship and Immigration Services (**USCIS**) proposes new law to widen the "public charge" determination for recipients of various welfare benefits. Those **who are likely to become a "public charge" at any time in the future** will be inadmissible and disqualify from various immigration green card applications, admissions, visas; and nonimmigrant change of status and extension of stay.
USCIS will publish the effective date for proposed rules upon completing public comments and reviews.

The public benefits (beyond certain **thresholds**) that are covered by the proposed "public charge" determination includes:

1. Receipt of designated public benefits, including **cash assistance** for income maintenance, **Medicaid** (with limited exceptions for Medicaid benefits paid for an "emergency medical condition," and for certain disability services related to education), **Medicare** Part D Low Income Subsidy, the Supplemental Nutrition Assistance Program (**SNAP, or food stamps**), any benefit provided for **institutionalization for long-term care** at government expense, **Section 8 Housing** Choice Voucher Program, Section 8 Project-Based Rental Assistance, and Public Housing. Generally, these covered benefits represent the largest Federal programs for low-income people by total expenditure that address basic living needs such as income, housing, food, and medical care.
2. Under the proposed rule, receipt of public benefits that are not covered by the 1999 Interim Field Guidance (i.e., **Medicaid, the Medicare Part D Low Income Subsidy, SNAP,** and the **designated housing benefits**) would not be considered for public charge purposes. Only such benefits receipt that occurred after a final rule becomes effective will be considered public charge.

The proposed rules will not affect foreign nationals specifically **exempted from the public charge** ground of inadmissibility, such as **refugees, asylees, Afghans and Iraqis with special immigrant visas, nonimmigrant trafficking and crime victims, individuals** applying under the Violence Against Women Act (**VAWA**), and **special immigrant juveniles**; and also **excludes** consideration of benefits received by **U.S. citizen children of aliens who will acquire citizenship under either section 320 or 322 of the INA, and by alien service members of the U.S. Armed Forces.**

Additionally, **most lawful permanent residents would not be subject to inadmissibility determinations; certain exceptions apply.**

For additional information, please visit:

https://www.uscis.gov/legal-resources/proposed-change-public-charge-ground-inadmissibility

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This article is intended for informational purposes only, and should not be relied on as legal advice or attorney-client relationship. By Aik Wan Kok, Lawyer USA Immigration Services, at Tiya; Tel: 703-772-8224 & info at tiyaimmigration dot com; Tel (from abroad): 001-7037728224;

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Aik Wan Kok at Tiya **represents companies, employers, individuals and families, located nationwide and internationally, in U.S. Immigration Law.** We focus on diverse immigration cases such as extraordinary ability; national interest waiver; PERM; green card; N-400 Naturalization; various waivers; H cases; L executive, manager and specialized knowledge professional; E treaty investor/trader; cases with USCIS, U.S. Department of Labor, U.S. Consulates and National Visa Center.

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