



## Talking About the “Public Charge” Proposed Policy Change

Updated: November 20, 2018

**BACKGROUND:** In October of 2018, the U.S. Department of Homeland Security published **proposed** changes to the federal public charge rule. **The public charge rule has not yet changed**, and the eligibility for public benefit programs in Nevada has also not changed. Public benefits currently considered when determining who is likely to become a “public charge” are cash-assistance programs including Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF) and Medicaid-funded long-term care.

### WHAT IS Public Charge?

- “Public charge” is a term used in immigration law for more than 100 years, to identify an individual who is likely in the future to become dependent on public benefit programs.
- Being considered a public charge can result in the denial of a lawful permanent residency (green card) application or entry to the United States.
- When determining if a person is likely to become a public charge, the federal government looks at a variety of factors including age, health, income, family size, public assistance received, and education level.
- **Eligibility rules for the public benefit programs such as the Nevada Health Link have not changed. If an individual or family is receiving subsidies or tax credits on an exchange plan, the subsidies are not included in this proposed rule.**

*The proposed change to rules defining “public charge” would make it harder for many immigrants to obtain a visa or become a permanent resident (get a green card) if they have used or might use certain types of public assistance. The proposal would expand the list of assistance programs that would hurt an applicant’s chances.*

- Exchange/Marketplace plans, Advance Premium Tax Credits and Cost Sharing Reductions are **NOT** on the proposed list.
- Medicaid, with some exceptions, is currently on the expanded list.
- Inclusion of the Children’s Health Insurance Program (CHIP or [NV Check Up](#)) is under consideration.
- The proposed change **would NOT** apply to an immigrant renewing a green card or transitioning from an existing green card to citizenship (with the exception of cases where someone loses or abandons their green card status).
- The proposed rule will apply only after it takes effect (possibly sometime in 2019). We encourage anyone who believes they may be affected to consult with an attorney with expertise in this area.

**WHO could be impacted in Nevada?** The *proposed* rule would apply to:

- Individuals seeking to legally enter the United States.
- Individuals legally in the U.S. seeking to become a lawful permanent resident/obtain a green card.



- Individuals legally in the U.S. seeking to extend a current visa
- Individuals legally in the U.S. seeking to change visa types
- Applicants for, or recipients of, any of the expanded list of non-monetized benefits subject to the public charge.
- Immigrants not subject to the rule, but who disenroll from benefits due to confusion, fear, or misinformation.
- Anyone seeking lawful permanent resident status through a family petition.

**This rule would not impact** groups of aliens that Congress 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, and special immigrant juveniles. Additionally, the rule 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. [Read more from UCIS here.](#)

#### **Immigration Law Resources in Nevada:**

How do I find an attorney with experience in immigration matters? You can contact the **State Bar of Nevada's Lawyer Referral & Information Service at 702-382-0504** (toll-free in Nevada at 1-800-789-5747).

The State of Nevada Bar's main office (see listed below) can tell you whether or not an attorney is licensed in Nevada and is in good standing. For more information and to read the full brochure, [click here.](#)

#### **The State's Bar Main Offices:**

##### **Las Vegas Office:**

3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89104  
Phone: 702-382-2200 or toll-free 1-800-254-2797

##### **Reno Office:**

9456 Double R Blvd., Suite B Reno, NV 89521  
Phone: 775-329-4100 Fax 775-329-0522

**More Resources in Nevada: The United State Citizenship and Immigration Services** website [Nevada office field locator](#) can be found on their website. Or call below:

## **Contact Us**

### **USCIS Contact Center**

Call toll-free: 800-375-5283. For people who are deaf, hard of hearing or have a speech disability: TTY 800-767-1833.