

# Scenarios Public Charge Rule Changes

From Protecting Immigrant Families and

Courtesy of Neighborhood Legal Services of Los Angeles available at:

[https://www.c pca.org/c pca/CPCA/CPCA/HEALTH\\_CENTER\\_RESOURCES/PUBLIC\\_CHARGE.aspx](https://www.c pca.org/c pca/CPCA/CPCA/HEALTH_CENTER_RESOURCES/PUBLIC_CHARGE.aspx)

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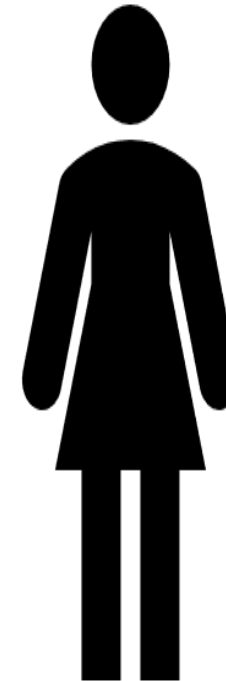
▶ Claudia has her green card (is a Lawful Permanent Resident). She depends exclusively on her SSI check and has no other income. She also receives Apple Health. Claudia is afraid she won't be able to become a U.S. citizen because she relies on SSI and Apple Health and wants to terminate her benefits in order to apply for citizenship. Should she stop receiving her benefits?

▶ \*

▶ Assume Claudia has not ever traveled outside of the U.S. for more than 6 consecutive months

▶

## Scenario 1



What do you think Navigators?

# Answer

**Claudia should continue to receive SSI and Apple Health.**

- 1. People who are already Lawful Permanent Residents (green card holders) do not have to “pass” the Public Charge Test in order to become U.S. citizens.**
- 2. The Federal Government will not take away someone’s Lawful Permanent Resident status only because they receive public benefits.**
- 3. If a Lawful Permanent Resident traveled and remained outside of the U.S. for six consecutive months, they should consult an attorney.**

**If a client isn’t sure if they are exempt, advise them to consult an attorney!**

# Scenario 2

- ▶ Claudia has a U visa (victims of crimes who have suffered substantial mental or physical abuse while in the U.S) and lives with her 9-year-old daughter - Yeymi.
- ▶ They receive SNAP/Basic Food, Washington Connections & Apple Health. Alejandra heard on the radio that SNAP/Basic Food & Apple Health will now negatively affect immigrants under the new public charge rule.
- ▶ Should she stop receiving SNAP/Basic Food?



What would you say Navigators?

# Answer

**She and her child should continue to receive these benefits.**

- 1. Persons applying for U visas, or those with a U visa who wish to obtain a green card in the future, are not affected by the public charge test, and will not be affected if the new rule is passed.**
- 2. There are many immigrants who are exempt from the public charge test, both before and after the rule modification.**

**If she is not she's exempt, have her consult an attorney!**

- ▶ Diana is a DACA recipient. She's spoken to an immigration attorney, and there are no visas for which she is currently eligible for.
- ▶ She lives with her 4-year-old son Daniel, who is a U.S. citizen.
- ▶ Daniel receives Temporary Assistance for Needy Families (TANF), SNAP/Basic Food, WIC & Apple Health. They have no other income. Is she affected by public charge rules?
- ▶

## Scenario #3



**Navigators what do you think?**

## **Answer**

**Not right now. Diana is not on a path to getting a visa or green card, so her child's use of benefits won't affect her. If she believes she can apply for a visa in the future, she should then consult with an attorney to ask if public charge will affect her.**

## Scenario #5

# Ahmed

Ahmed and his minor children came to the U.S. as refugees in 2010. They want to adjust status to receive a green card. Ahmed wants to apply for public benefits and is worried about public charge.

What can you tell Ahmed?



# Ahmed

What can you tell Ahmed?

- ✓ The federal government allows refugees to use public benefits.
- ✓ Refugees are not subject to a public charge test when they apply for a refugee-related green card.
- ✓ Ahmed does not need to worry about using public benefits right now. [Watch out! You don't know anything about his immigration case!]
- ✓ He should speak with an attorney if he wants more information about applying for a green card!

# Maya

## Scenario #6

Maya is an LPR and she is ready to naturalize! She's worried because she uses SNAP/Basic Food.

What can you tell Maya?

# Maya

What can you tell Maya?

- ✓ There is no public charge test to naturalize
- ✓ A person can apply for a fee waiver for a naturalization application if they receive a means-tested benefit.
- ✓ Maya should speak with an attorney!

## Scenario #7

## Maya

Maya is an LPR and she is ready to naturalize! She's worried because she uses SNAP/Basic Food.

**It turns out Maya wants to petition for family members to come to the U.S. through the consulate.**

# Maya

- ▶ Information: There is no public charge test to naturalize
- ▶ “I am not an immigration lawyer, but I can tell you what benefits you qualify for”
- ▶ Don't give advice: ~~Using benefits won't be a problem with immigration~~
- ▶ **Why?** Maya's low income could make it harder to bring her family members from abroad.

An immigration representative could assess how long in the future that option might be, and whether she should worry about this.

# Thank you

**Navigators.....remember never give advise!!**

If they clients wants to terminate their benefits you can explain the rules/policy but you must act upon their request.

## Today's presenters:

Claudia Sierra, Public Health-Seattle & King County (Enhanced User-Education Specialist)

Luis Salazar, Public Health-Seattle & King County (Enhanced User-Education Specialist)

Ingrid Ulrey, Public Health-Seattle & King County (Policy Director, Office of the Director)

Hamdi Mohamed, Office of Equity & Social Justice, King County (Immigrant & Refugee Policy Advisor)

<https://www.kingcounty.gov/elected/executive/equity-social-justice/Immigrant-and-Refugee/Immigrant-Refugee-Commission.aspx>