

# KNOW YOUR RIGHTS!

## Public Charge Messages for Community Members

Updated January 2020

***Fight fear with facts.*** You have rights in this country no matter where you were born. We encourage you to learn more about your situation before making decisions that may harm you or your family. ***Get the facts, make a plan, and share this information with others.***

1

### Most immigrants will not be affected.

This DHS regulation does not affect all immigrants. Refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, and other “humanitarian” immigrants are not affected. Lawful permanent residents (or “green cards”) are not affected unless they leave the US for over 180 days and seek to reenter. Benefits received when people are in one of these statuses will not be counted against them.

2

### Many public programs are not considered in the public charge test.

Life-saving food and nutrition programs like WIC, CHIP, school lunches, food banks, shelters, child care assistance, state and locally funded health care, and many more programs are not included in DHS’ public charge test.

3

### Use of public programs does not automatically make you a public charge.

Immigration officials must look at **all your circumstances** in determining whether you are likely to become a public charge in the future. This includes your age, health, income, assets, resources, education/skills, family you must support, and family who will support you. Positive factors, like having a job or health insurance, can be weighed against negative factors, like having used certain benefits or having a health condition. Either way, you will have a chance to show why you are not likely to rely on certain benefits in the future



4

## Benefits used by family members will not count in public charge decisions made in the U.S.

U.S. citizen family members can use the nutrition, food, or housing programs that help them thrive. Benefits that your children receive will not count against you if your green card application is processed in the U.S. Benefits that you get for your children or other family members are different from benefits that you may receive yourself. Including your name on your child's application does NOT mean that you have applied for benefits for yourself.



5

## There are laws protecting the personal information of public benefits applicants and recipients.

Federal and state laws generally protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits. Applications for public programs should not ask for information about the immigration status of people applying to get benefits for another person in their family or the household. Benefit agencies may share information with other government agencies only for purposes of administering their programs, with limited exceptions. You should provide only the information necessary and should never misrepresent anything when completing public benefit applications or dealing with any government agency.

# TAKE ACTION!

**Get the facts, Make a plan.** Information is power! Several resources can help you determine if you might be affected by this rule. Learn about what this new rule means by visiting [www.keepyourbenefits.org](http://www.keepyourbenefits.org) or <https://protectingimmigrantfamilies.org/know-your-rights/> and work with your lawyer and family to determine how these changes might affect you or your family.

**Empower Ourselves.** It's up to us to protect our families and communities. We can all make our voices heard by contacting local, state, and federal officials in charge of creating policies that affect us. If you need free or low-cost legal assistance, find a legal services organization near you at: <https://www.immigrationadvocates.org/legaldirectory/>.