



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Social Services

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

SUSAN G. OSBORNE • Assistant Secretary for County Operations

July 13, 2021

Dear County Directors of Social Services

Subject: Public Charge Rule

You received a letter in September of 2019 from the Department of Health and Human Services with information about the federal rules on the public charge ground of inadmissibility, which changed in 2019. This letter is to make you aware that the 2019 changes to the public charge rules are no longer in effect, and to explain the current status of public charge rules.

“Public charge” is a term used in immigration law to determine whether a person is likely to become dependent on the government for support and is used as one of several factors to determine certain legal resident statuses. The 2019 rule change expanded the number of public assistance programs that would be considered for a public charge determination, creating new barriers to getting a green card or immigrating to the U.S. and creating fear about accessing health and benefit programs.

As of early March 2021, courts across the United States have blocked the 2019 rule change and the current Presidential administration has stopped enforcement of the 2019 rule change in accordance with Executive Order No. 14012. Now that the rule has changed, the U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS) has reinstated the 1999 Field Guidance to govern public charge decisions, which is the same policy that governed public charge decisions from 1999 through 2019.

Because of the important role you play in providing services in your community, we want to provide the most accurate information to ensure that those eligible to access benefits and services will not fail to do so out of fear that is based on a lack of understanding about current public charge rules.

The attached flyers, created by immigration legal specialists unaffiliated with DHHS, provide an educational resource that explains the current status of public charge rules. This flyer is also available online in [English](#) and [Spanish](#) on the website for the North Carolina Justice Center and links to the flyers will soon be available in relevant areas of the DHHS website. The Justice Center also has updated videos about public charge [on its website](#) and may soon have flyers in other languages.

We are asking for your assistance with disseminating this accurate information about public charge as outlined below:

1. Print hard copies of the English and Spanish versions of the flyer referenced above and make them available in lobbies of public facing DSS spaces.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES

LOCATION: 820 S. Boylan Avenue, McBryde Building, Raleigh, NC 27603

MAILING ADDRESS: 2401 Mail Service Center, Raleigh, NC 27699-2401

www.ncdhhs.gov • TEL: 919-527-6335 • FAX: 919-334-1018

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

2. Communicate with county staff that the public charge rule has changed once again, provide them with the flyer explaining the change and the link to the video, and encourage them to provide the flyer to those who may need or want information about public charge. While county staff cannot and should not provide advice regarding public charge or other matters related to immigration status, this flyer can serve as a resource for accurate information about public charge and how to seek additional information.

3. Consider adding links to these flyers and videos in relevant places on your county website.

As always, we appreciate the work you do every day in your community as well as your partnership in this work on public charge to ensure accurate information is available to those who need public benefits.

Respectfully,

A handwritten signature in blue ink that reads "Susan G. Osborne". The signature is written in a cursive, flowing style.

Susan G. Osborne

Assistant Secretary for County Operations

North Carolina Department of Health & Human Services

Division of Social Services

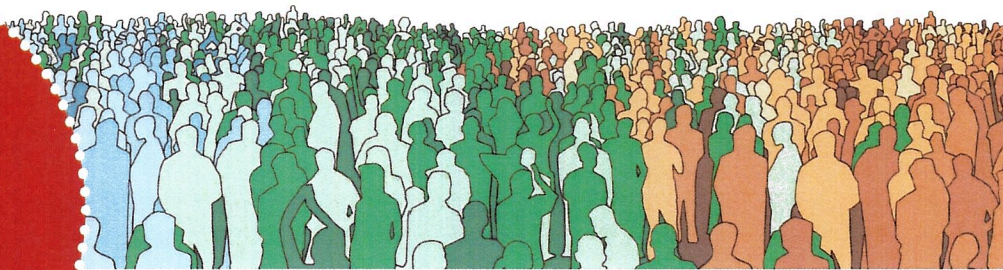
PUBLIC CHARGE:

The law has changed!

UPDATED JUNE 9, 2021

What is Public Charge?

Some people who apply for a green card (lawful permanent resident status) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to depend primarily on government services in the future. Immigration officials look at all of a person’s circumstances, including their age, income, health, education or skills, family situation and their sponsor’s affidavit of support or contract.



IN THE PAST FEW YEARS, the law about “public charge” has changed several times, leaving families confused about what it all means for them. The law changed again in March 2021, making it easier for most families to pass the public charge test. Read this flyer for the latest information on public charge!

What benefit programs can I use **without concern**?

Under the new public charge rule in 2021, using the following government programs will NOT affect your immigration status or your immigration application. You and your children and family members may use them without concern if you are eligible.

- | | |
|--|---|
| ▶ Medicaid*, ACA, NC Health Choice (children’s health insurance), free or sliding-scale clinics, and all other health care
◊ *Except for long-term institutional care (living in hospital at government expense) | ▶ Pandemic-related one-time financial assistance
◊ This includes NC HOPE and local rental programs in Wake, Durham, Forsyth, Guilford, Orange, and Mecklenburg counties, among others. |
| ▶ COVID testing, treatment and vaccines | ▶ WIC |
| ▶ SNAP (food stamps) | ▶ Public Housing |
| ▶ Earned Income Tax Credit (EITC) and child tax credits | ▶ Free or reduced price school lunches and P-EBT |
| ▶ Stimulus checks from the IRS | ▶ Food banks or shelters |

▶ And any other benefits that are **not listed** in the section below...

Are there any benefit programs I should be **concerned** about using?

The only public benefits that are considered negatively in the public charge test are listed below:

- ▶ Cash assistance programs that provide **on-going payments**
 - ◊ In North Carolina, those programs would include **SSI** (payments for disabled persons) and **TANF** (monthly cash assistance)
- ▶ Long-term institutional care at government expense

Immigration generally only considers these programs negatively if you (the immigrant who wants to apply for status in the future) are using them for yourself. If your children or other family members in your household are using them, they are only considered negatively if those benefits are the ***only source of income*** for the entire household.

Public charge does not apply to everyone!

- Are you and your family members U.S. citizens?



Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.

- Do you and your family members already have green cards?



Public charge does NOT apply to you when you renew your green card or apply to become a U.S. Citizen.

HOWEVER, IT MAY APPLY IF YOU LEAVE THE COUNTRY FOR MORE THAN 6 MONTHS.

It is a good idea to talk with an immigration attorney if you are planning to take a long trip outside the U.S.

- Are you applying for or do you have one of the following statuses: TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?



Public charge does NOT apply to you. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.

- Do you plan to apply for a family-based green card?



PUBLIC CHARGE MAY APPLY.

The **only** benefits considered in a public charge test are: cash assistance programs that provide on-going payments (Examples in NC include: SSI and TANF) and long-term institutional care like in a nursing home paid for by the government.

We recommend that you speak to a knowledgeable immigration attorney before submitting any immigration-related application.

FOR MORE INFORMATION:

- Charlotte and surrounding counties: (704) 376-1600
- Eastern North Carolina, Triangle and Triad: (919) 856-2162
- Western North Carolina: (828) 253-0406

(Se habla español, and interpreters are available in various languages)

