



## Final Rule on Public Charge Ground of Inadmissibility

- As defined by the Department of Homeland Security (DHS), a “public charge” means an individual who is likely to become primarily dependent on the government for support.
- The final rule goes into effect on Oct. 15, 2019 and will only be applied to DHS applications and petitions postmarked (or, if applicable, submitted electronically) on or after Oct. 15, 2019.
- DHS applications and petitions postmarked before Oct. 15, 2019, will be adjudicated under the prior policy, the 1999 Interim Field Guidance.

### Whom will this impact?

Unless specifically exempted by Congress, the following individuals are subject to the public charge ground of inadmissibility:

- Non-Citizens seeking admission to the United States on immigrant or nonimmigrant visas; and
- Non-Citizens within the United States who are seeking to adjust their status to that of a lawful permanent resident; and
- Non-Citizens within the United States who hold a nonimmigrant visa and seek to extend their stay in the same nonimmigrant classification or to change their status to a different nonimmigrant classification.

### Benefits considered for public charge

- Any federal, state, local, or tribal cash assistance for income maintenance;
- Supplemental Security Income (SSI);
- Temporary Assistance for Needy Families (TANF);
- Federal, state or local cash benefit programs for income maintenance;
- Supplemental Nutrition Assistance Program (SNAP);
- Section 8 Housing Assistance under the Housing Choice Voucher Program;
- Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation);
- Public Housing under section 9 the Housing Act of 1937, 42 U.S.C. 1437 et seq.;
- Federally funded Medicaid (with certain exclusions).

For additional information, please contact:

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### Who is NOT impacted?

- Lawful Permanent Residents (LPR) completing the naturalization process.
- Certain classes of immigrants are exempt from the public charge ground of inadmissibility. For instance, refugees, asylees, and Afghans and Iraqis with special immigrant visas are exempt from public charge inadmissibility.
- Children, including adopted children, who will acquire U.S. citizenship.

### Benefits NOT considered for public charge

- Financial Assistance (subsidies or tax credits to offset premiums) obtained through Nevada Health Link – also known as the Exchange.
- Public benefits received by individuals enlisted in the U.S. armed forces or is serving in active duty or in any of the ready reserve components of the U.S. armed forces, their spouse or children;
- The receipt of Medicaid for the treatment of an emergency medical condition;
- Services or benefits funded by Medicaid but provided under the Individuals with Disabilities Education Act (IDEA);
- School-based services or benefits provided to individuals who are at or below the oldest age eligible for secondary education as determined under state or local law;
- Medicaid benefits received by an alien under 21 years of age; or
- Child Health Insurance Program (CHIP) also known as Nevada Check Up; or
- Medicaid benefits received by a woman during her pregnancy and during the 60-day period after pregnancy.