



# PUBLIC CHARGE RULE

## **What is the Public Charge Rule?**

The final rule defines public charge. **According to the law, any individual who is applying for a visa or for admission to the United States is inadmissible if he or she is likely at any time to become a public charge.** This includes applicants for admission to the United States, individuals seeking a green card to become lawful permanent residents, and individuals within the United States who hold a nonimmigrant visa and seek to extend their stay in the same nonimmigrant classification or change their status to a different nonimmigrant classification.

Currently, public charge is not statutorily defined. **The final rule would define a “public charge” based on the receipt of financial support from the general public through government funding (i.e. public benefits), including federal rental assistance.** The individual would need to receive one or more designated public benefits, including but not limited to federal rental assistance, for more than 12 months in the aggregate within any 36-month period to meet the threshold.

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***The Department of Homeland Security (DHS) issued the final Public Charge Rule on August 14, 2019***

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## **What is Considered a Public Benefit?**

SSI	TANF	SNAP
Public Housing	HCV	PBRA
Medicaid	Institutional Care	Cash Income Maintenance




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**DHS received over 265,000 comments on the proposed rule, issued back in October of 2018.**

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### ***Does the Rule Affect Day-to-Day Operation of a PHA?***

DHS is not imposing any requirements on benefit-granting agencies through this final rule or a requirement that these agencies specifically verify information individuals submit to U.S. Citizenship and Immigration Services (USCIS). **This rule does not change any of the Public Housing, HCV, or PBRA program requirements.** DHS plans to enter into information-sharing agreements with specific agencies to obtain verification of the information supplied by applicants. Any information sharing will depend on the ability of the relevant agencies to share such information with DHS. As such, DHS expects that “this process will take time and will likely be in effect at some point in the future after the final rule becomes effective.”