

# PUBLIC CHARGE TEST FOR HOUSING BENEFITS



## WHAT IS PUBLIC CHARGE?

### PUBLIC CHARGE IS GROUND OF INADMISSIBILITY

Public charge can prevent an otherwise eligible immigrant from being granted an immigration status. Grounds of inadmissibility apply only at the time of the formal decision to admit an immigrant to the U.S., which is:

- When an immigrant applies to legally enter the U.S. (entry);
- When an immigrant applies to become a lawful permanent resident;
- When a lawful permanent resident leaves the U.S. for more than 180 consecutive days and later seeks to reenter the United States.



## PUBLIC CHARGE AND PUBLIC BENEFITS

### PUBLIC CHARGE RULE CONTAINS AN EXHAUSTIVE LIST OF PUBLIC BENEFITS

The 2020 public charge rule has defined "public benefits" for purposes of the public charge inadmissibility. Only the public benefits mentioned in the rule will be considered for the purpose of public charge. The list includes:

- Any Federal, State, local, or tribal cash assistance for income maintenance
- Supplemental Nutrition Assistance Program (SNAP) (food stamps)
- Federally funded Medicaid (with exclusions)
- Long-term housing programs (see below)

## APPLYING FOR HOUSING PROGRAMS

### SOME HOUSING BENEFITS ARE SUBJECT TO PUBLIC CHARGE TEST

When applying for long term housing benefits, keep in mind the following benefits are considered "public benefit" under the 2020 public charge rule:

- Section 8 Housing Assistance under the Housing Choice Voucher Program;
- Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation); and
- Public Housing



## EXEMPT IMMIGRANTS

### MANY IMMIGRANT ARE EXEMPT FROM PUBLIC CHARGE

If your client is recipient or applicant of any of the following categories they are exempt from public charge:

- VAWA self-petitioners; VAWA cancellation of removal; VAWA suspension of deportation; battered spouse waiver; abused approved family based visa applicants (I-130); VAWA NACARA, HRIFA or Cuban Adjustment; U visa; T visa; Refugees; Asylees; Special Immigrant Juvenile Status (SIJS); (DACA) applicants; Amerasians; Afghan and Iraqi military translators; certain Cuban and Haitian adjustment applicants; certain Nicaraguans and Central Americans under NACARA; Registry applicants; Soviet and Southeast Asian Lautenberg parolees; Certain visa holders\*; Majority of Green Card holders.

\*See [The Impact of the 2020 Public Charge Rule on Transitional Housing](#) p. 4.

## TRANSITIONAL HOUSING AND SHELTERS

### TRANSITIONAL HOUSING IS A PROGRAM NECESSARY TO PROTECT LIFE AND SAFETY

Transitional housing and shelters are temporary housing programs available to all immigrant and do not fall within the definition of "housing public benefits" in the 2020 public charge rule. Therefore, are NOT considered in the public charge inadmissibility determination.



## OTHER RESOURCES

### IF YOU WANT TO KNOW MORE

- [The Impact of Transitional Housing on Public Charge](#) - NIWAP
- [Public Charge Test for Housing Benefits \(Flow chart\)](#) - NIWAP
- [ILRC - Public Charge](#)
- [NIWAP Library](#)