

CDF-TEXAS PRESENTS A CONVERSATION ON

PUBLIC CHARGE & COVID-19

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WHAT IS PUBLIC CHARGE?

IMPORTANT HIGHLIGHTS:

1. Public charge is a test that the government does **ONLY ONCE**: when somebody applies for Legal Permanent Residency. (Examples: green card application, a visa to live in the United States, when a green card holder asks to re-enter the U.S. after being out of the country 180+ days.) ***NOTE**: not for standard green card renewals.
2. This new regulation only applies to applications filed on or after February 24th, 2020. It is not retroactive.
3. Totality of circumstances test considers age, education, resources, income, and program use, but weighs positive factors against negative.
4. The test looks at only the following programs: Medicaid, SNAP, housing assistance, and long-term care services and cash assistance (SSI, nursing home care, TANF).

IMPORTANT HIGHLIGHTS CONTINUED

1. There are a lot of exemptions and exceptions to the public charge rule.
 - a. Your children's or partners' use of benefits does not affect your application
 - b. Pregnancy Medicaid, emergency Medicaid, and Medicaid for kids is exempt.
 - c. Asylum-seekers, refugees, and many special immigration status visas are exempt.
2. In Texas, because adults aren't eligible for any public benefit programs unless they already have a green card, the public charge rule applies to very few, based only on benefits use. As we said, however, it is a "totality of circumstances" test. But for use of benefits, most immigrants in Texas don't have to worry.

WHAT IS SAFE?

- 1.** It's **safe to** keep your children enrolled in SNAP, Medicaid, CHIP, housing vouchers, and more. Remember: it's only *the applicant's* use of benefits that counts on a public charge test!
- 2.** Apply for pregnancy Medicaid, CHIP-P, and WIC.
- 3.** Go to a clinic for low-cost medical and dental care.
- 4.** Take your children, your partner, and yourself to see a doctor.
- 5.** Get your children preventive care like vaccines and regular check-ups.
- 6.** Go to food pantries and food banks to feed your family.

WHY IS MY LAWYER SAYING TO DROP BENEFIT PROGRAMS?

There are some lawyers who really understand public charge, and some lawyers who do not, and who need to take some time to educate themselves.

If your lawyer is saying to drop all benefits, please do some homework and get a second opinion. **Texas Rio Grande Legal Aid**, **Catholic Charities**, **Lonestar Legal Aid**, and the **South Texas College of Law** all have well-trained staff who can answer questions and make referrals to experts who understand both immigration law and public benefits.

The **Protecting Immigrant Families Campaign** also has **great resources** (in many different languages) you can use to get informed.

CORONAVIRUS:

PROTECTIONS FOR IMMIGRANT FAMILIES

1. The government has said that **TESTING, TREATMENT, and future VACCINES** (preventive care) for COVID-19 will not be part of public charge test.
2. ICE has said they **WILL NOT** do enforcement in or near health care facilities and testing sites.
3. USCIS has suspended all interviews and biometric appointments until June 4th. They are still processing applications, but not having appointments. Getting unemployment benefits does not count for public charge.
4. Receiving money from governments or non-profits during this crisis will not count as a public charge. **NO** emergency relief money would count for public charge.

OTHER PROTECTIONS IN TEXAS:

1. If your children are currently enrolled in Medicaid as of March 18th, HHSC has said that their coverage will renew automatically until further notice.
2. For families receiving SNAP in March, April and May, your benefits have been automatically renewed for 6 months.
3. CHIP families whose renewals were due in April and May will be automatically extended for 3 months.
4. Follow our CDF-Texas [**COVID-19 Updates page**](#) to get updates on all this as policies are frequently being updated by state agencies.
5. Texas Rio Grande Legal Aid has [**great information about protections**](#) from evictions and the shut off of utilities during the pandemic.

THE WRAP-UP

1. This situation is constantly changing, with updates coming daily, but this is what we know now.
2. Please visit CDF-TX's **COVID-19 Family Resource Updates** page for up-to-date information.
3. Public charge is still being challenged in law, so things could change in the future.
4. Contact CDF-TX staff on any of our social media platforms (**@CDFTexas**) if you have questions, and we'll do our best to help!

RESOURCES

1. Health Care Updates:

- a. Follow our CDF-Texas [COVID-19 Updates page](#) to get updates on all this as policies are frequently being updated by state agencies.

2. Legal Aid Hotlines:

- a. Catholic Charities of Central Texas - Immigration Legal Services: 512-651-6125
- b. Houston Immigration Law Clinic: 1-833-468-4664

3. Online Legal Resources:

- a. [Texas Rio Grande Legal Aid](#)
- b. [Catholic Charities](#)
- c. [Lonestar Legal Aid](#)
- d. [South Texas College of Law](#)

4. Information on Public Charge:

a. Protecting Immigrant Families:

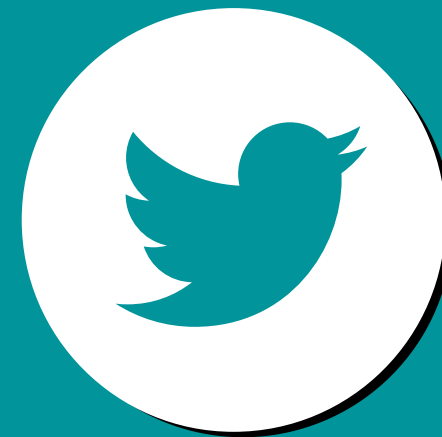
- [Public Charge: Does This Apply To Me?](#)
- [Should I Keep My Kids Enrolled?](#)
- [Know Your Rights! Public Charge Messages for Community Members](#)
- [Protect Your Health: Going to the Doctor](#)

b. Protecting Immigrant Families: [COVID-19 and Immigrants](#)

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