

The following contains information on the proposed rule on public charge:

- The proposed rule seeks to re-interpret a provision of the Immigration and Nationality Act (INA) pertaining to inadmissibility. The inadmissibility ground at issue says a person is inadmissible if they are likely to become a public charge (meaning they are likely to rely on public benefits in the U.S.). (INA § 212(a)(4)).
- **The proposed rule is just a proposal. The law has not changed. An overview of the current public charge law is here.** ([https://www.ilrc.org/public-charge.](https://www.ilrc.org/public-charge))
- The policy on public charge decisions made within the U.S. has not yet changed.
- The proposed rule is still a draft. Once it is posted, the federal agency must accept and respond to comments on it. It will not be implemented until after it becomes final, which will take additional time.
- Not all immigrants are subject to the public charge test.
- Public charge and this proposed rule do not apply in the naturalization process through which lawful permanent residents apply to become U.S. citizens.
- This law only applies to individuals seeking admission into the United States or applying for adjustment of status. This is not a provision of the law that applies to all immigrants. It does NOT pertain to those individuals applying for lawful permanent residency on the basis of asylum/refugee status, T visa, VAWA, SIJS. It does NOT pertain to those individuals with the following status: Cuban Adjustment, Amerasians, Afghan, and Iraqi Interpreters, NACARA, HRIFA , Lautenberg Parolees, TPS applicants .
- The public charge test looks at all the person's circumstances, weighing positive factors against any negative ones.
- If the proposed rule becomes final, noncash benefits (other than long-term care) used before that time will not be considered. Using benefits now can help you or your family members become healthier, stronger, and more employable in the future.
- Federal and state laws protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits.
- Get help deciding what's best for your family and, if you can, consult with an immigration attorney or a Board of Immigration Appeals–accredited representative about your own situation.