



New Public Charge Rules Suspended

The federal courts ruled that the use of public healthcare and other public benefits will not trigger the new “public charge” rules during the COVID-19 national health emergency.

Late yesterday, July 29, 2020, a New York federal court blocked the U.S. government from enforcing the new “public charge” rules. These rules, implemented in February 2020, made it easier for the government to deny people visas and green cards because they think a person might become reliant on public benefits in the U.S., and were designed to discourage immigrants and temporary residents from using certain public assistance programs.

Effective immediately, foreign nationals in legal status in the U.S. may make use of certain public assistance programs, including SNAP (“food stamps”) and Medicaid, without fear that they are putting their immigration status at risk while the temporary orders remain in place. However, receiving cash benefits for income maintenance (like welfare) is still a public charge risk.

How does this affect me if I am in the U.S.?

If you are in the U.S. and you file an application with USCIS, use of non-cash public benefits should not negatively affect your case for the remainder of the COVID-19 pandemic national emergency.

How does this affect me if I am outside the U.S.?

If you are outside the U.S. and are looking to get a visa issued by an embassy or consulate, it is unlikely that the use of non-cash public benefits will negatively impact you. However, consular officers have a huge amount of discretion, so at the present time we cannot know with 100 percent certainty that there will be no impact on your visa application.

IMPORTANT: About Unemployment Benefits:

Despite this ruling, it remains risky for individuals on temporary work visas (like O-1s) to enroll for unemployment benefits while maintaining their work authorized status.