

## Addendum to Fairfax County Public Charge Information due to COVID 19 – May 2020

### **Message to the Community:**

*This information was developed by the Department of Family Services and the Office of Strategy Management for Health and Human Services for educational purposes only and is not legal advice. It has been updated to include guidance on receiving COVID-19 – related resources or services. If you or your family may be impacted by the public charge rule, we encourage you to consult an attorney.*

Public charge is a determination made by immigration officials about whether an immigrant is likely to become primarily dependent on the government. The new rule became effective on February 24, 2020, and information from federal partners was issued in March 2020 that clarified whether receipt of certain COVID-19 – related resources would impact a public charge determination. If someone is determined to be a public charge, their application to immigrate or remain in the United States is likely to be denied. It is used when an individual applies for a visa, Legal Permanent Resident status (i.e., a green card) or a change in status (i.e., someone with a nonimmigrant visa seeking to extend their stay or change their status to a different nonimmigrant status). It is also used for Legal Permanent Residents (green card holders) who leave the United States for 180 days or more.

A public charge determination only factors in benefits directly received by the applicant. Benefits received by family and household members, including children, do not count. Below is a chart that illustrates the impact certain resources may have on a public charge determination, including COVID-19 – related relief.

Assistance/Benefit	Impact on Public Charge
<b>COVID-19 Testing and Resources</b>	
COVID-19 testing, treatment, and preventative care, including a future vaccine	Not counted, even if funded by Medicaid or other public benefit
Recovery rebates/stimulus checks from the CARES Act that eligible individuals and families received as automatic one-time payments in Spring 2020 (tax credit)	Not counted
Pandemic EBT (P-EBT)	Not counted
Pandemic Unemployment Assistance	Not counted
<b>Public Benefits and Financial Assistance</b>	
Temporary Assistance for Needy Families (TANF)	Counted
Cash assistance programs for income maintenance such as General Relief	Counted
Supplemental Nutrition Assistance Program (SNAP)- food stamps	Counted
Supplemental Security Insurance (SSI)	Counted
Other non-cash assistance programs that are funded by local or state government	Not counted
<b>Health Care</b>	
Medicaid for individuals under age 21, during pregnancy and up to 60 days postpartum, and for emergency care	Not counted
Children’s health insurance programs, including FAMIS Plus, FAMIS, and Medical Care for Children Partnership (MCCP)	Not counted
Health care for uninsured individuals provided at clinics and centers	Not counted
Affordable Care Act marketplace health insurance, including tax credits and subsidies	Not counted



Medicaid for individuals 21 years old and older unless pregnant or within 60 days postpartum	Counted
<b>Food Assistance</b>	
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	Not counted
Free and reduced-priced school meals	Not counted
Free meal distributions	Not counted
Food pantries and other food supports such as gift cards for grocery stores	Not counted
<b>Housing</b>	
Rental assistance provided through county, state, or nonprofit	Not counted
Energy and utility assistance provided through county, state, or nonprofit	Not counted
Housing Choice Vouchers (Section 8) and federally subsidized housing programs	Counted
<b>Employment</b>	
Unemployment insurance	Not counted
Employment and job training programs	Not counted

### Immigrants Exempt from Public Charge Determinations

Immigrants exempt from public charge include refugees; asylees; survivors of trafficking, domestic violence, or other serious crimes (T or U visa applicants/holders); VAWA self-petitioners; special immigrant juveniles; and certain people paroled into the U.S. Benefits received when immigrants are in one of these statuses will not be counted against them. Active duty servicemembers, including those in the Ready Reserve of the U.S. Armed Forces, and their spouses and children are also exempt.

### Source Information

The information about public charge and its impact on benefits and programs was sourced from the U.S. Citizenship and Immigration Services Public Charge website ([www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge](http://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge)) and its Policy Manual ([www.uscis.gov/policy-manual](http://www.uscis.gov/policy-manual)). Information about health care was sourced from the U.S. Centers for Medicare & Medicaid Services Health Care Coverage for Lawfully Present Immigrants website ([www.healthcare.gov/immigrants/lawfully-present-immigrants/](http://www.healthcare.gov/immigrants/lawfully-present-immigrants/)).

