

| Summary of Notice of Proposed Rulemaking on Public Charge | |
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| Current | Proposed |
| Subject to public charge inadmissibility determination | |
| <ol style="list-style-type: none"> 1. Individuals seeking immigrant or nonimmigrant visas abroad 2. Individuals seeking admission to the United States on immigrant or nonimmigrant visas 3. Individuals seeking to adjust their status from within the United States | Individuals within the United States in a nonimmigrant status (i.e., temporary such as for tourism, study, temporary work etc.) who are seeking to either extend their stay or change their status would be denied unless the applicant shows that he/she has not received or is not likely to receive public benefits |
| Not subject to public charge inadmissibility determination | |
| <ol style="list-style-type: none"> 1. Most lawful permanent residents applying to become US citizens 2. Certain classes of aliens such as refugees, asylees, and Afghans and Iraqis with special immigrant visas. | No change |
| Type of public benefits used in determining likelihood of becoming a public charge | |
| <ol style="list-style-type: none"> 1) Cash assistance such as Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF); and 2) Government-funded long-term institutional care. | <ol style="list-style-type: none"> 1) Cash assistance such as Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF); and 2) government-funded long-term institutional care. 3) Non-emergency Medicaid, 4) Supplemental Nutrition Assistance Program (SNAP), 5) Medicare Part D low income subsidy and 6) Housing Assistance such as public housing or Section 8 housing vouchers and rental assistance. <ul style="list-style-type: none"> • Benefits received by members in the U.S. Armed Forces, including those in the Ready Reserve, and their families are not counted • Medicaid benefits received by foreign-born children who either have U.S. citizen parents, have been adopted by U.S. citizen parents, or who are coming to the United States to be adopted by U.S. citizens are not counted |

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| Thresholds for public benefits used in determining likelihood of becoming a public charge | |
| No threshold for public benefits | <p>Three thresholds for three types of benefits respectively:</p> <ol style="list-style-type: none"> 1. Cash-like benefits (cash benefits, SNAP or food stamps, and Section 8 vouchers and rental assistance) <ul style="list-style-type: none"> • 15% of the Federal Poverty Guidelines* for a household of one (i.e. \$1,821 in 2018) within any period of 12 consecutive months. 2. Non-cash like benefits (Medicaid, the Medicare Part D Low Income Subsidy, and Public Housing) <ul style="list-style-type: none"> • Receiving non-cash like benefit for a total of 12 months (inconsecutive ok) within a 36-month period. • For instances of receiving more than one type of non-cash like benefit, receiving two non-cash like benefits in one month counts as two months. 3. A combination of both cash-like and non-cash like benefits <ul style="list-style-type: none"> • Receiving cash-like benefits (e.g.: SNAP) plus one or more non-cash like benefits (e.g.: Medicaid) for more than 9 months. |
| Totality of Circumstances Test | |
| <ul style="list-style-type: none"> • Factors being considered: Age, health, income, family status, financial status, education and skills, and affidavit of support. • All factors will be evaluated. Any negative factor (such as jobless) can be overcome by positive factors (possess high education degree and skill). | <ul style="list-style-type: none"> • Same factors will be considered: Age, health, income, family status, financial status, education and skills and affidavit of support • Positive and negative factors, as well as heavily weighed positive and heavily weighted negative factors are listed out, e.g.: <ul style="list-style-type: none"> ○ Positive factor: age between 18 and 61 ○ Negative factor: below 18 or above 61 unless applicant can demonstrate employment of sufficient resources ○ Heavily weighted positive: applicant is authorized to work and currently employed with an annual income more than 250% of the Federal Poverty Guidelines* i.e. \$30,350 for a household of one. ○ Heavily weighted negative: applicant cannot demonstrate current employment, employment history or reasonable prospect of future employment • All factors will be evaluated |

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| Income threshold to avoid public charge test | |
| No income threshold | <ul style="list-style-type: none"> The applicant, not just the sponsor, requires earning at least 125% of the Federal Poverty Level[^] (i.e.: about \$15,600 for a household of one in 2017) To avoid scrutiny under the public charge test, the applicant would need a household income of 250% of Federal Poverty Level[^] (i.e.: about \$31,220 for a household of one in 2017) |
| Public charge bond | |
| <ul style="list-style-type: none"> The government rarely requires immigrants to post bonds because an enforceable affidavit of support is used instead. It is a document guaranteeing that the new immigrant will not become a public charge or dependent on certain government resources or benefits for a specified period. | <ul style="list-style-type: none"> Applicants deemed inadmissible as a public charge may be required to pay a minimum of \$10,000 for admission and would risk losing this bond if they use any public benefits listed in the NPRM. |

[^] Federal Poverty Level (FPL) is the income threshold calculated annually by the Census Bureau for statistically purposes such as preparing poverty population figures. In 2017, the FPL of a family of four is \$25,094.

*Federal Poverty Guideline (FPG) is a poverty threshold issued annually by the Department of Health and Human Services based on the FPL for administrative purposes such as determining financial eligibility for federal programs. In 2018, the FPG for a family of four is \$25,100.