Public Charge Resources for Adult Education

**What is Public Charge?**

A public charge is a person who is dependent on the government for support. A new [federal regulation](https://www.federalregister.gov/documents/2020/02/07/2020-05694/determination-of-likely-benefit-recipient-and-public-charge) took effect on February 24, 2020 stating that a person who is deemed likely to become a future public charge can be denied legal permanent residence, also known as a green card.

**Key Points for Adult Educators**

1. The public charge test only applies to individuals applying for legal residency in the US (Green Card). It does not apply when applying for citizenship or when renewing a green card.
2. Only benefits accessed by the individual are considered during the public charge test. Those received through a program are not considered.
3. The public charge test looks at future dependency on government support based on current circumstances.
4. Factors considered during the public charge test are (but not limited to) age, health, financial situation, English language proficiency, education and work experience.
5. Typically, those applying for legal residency are not eligible for the benefits listed in the public charge as negative factors.
6. Those who are not subject to the public charge test are refugees or asylees, survivors of trafficking or other serious crimes, petitioners under the Violence Against Women Act, and special immigrant juveniles.
7. Benefits used by other household members (including children) are not considered during the public charge test.
8. Not having a high school equivalency and/or having low proficiency in English are negative factors on the public charge test. This means that participating in English language classes, adult basic education and/or workforce development programs can decrease the chance of being determined a public charge and being denied legal residency.
9. Educators should not attempt to advise on public charge but should be able to answer general questions and point to reliable resources.
10. Applicants for legal residency often need to attach education transcripts to their public charge paperwork, which means they may request a transcript from adult education providers to show proof of education. There are templates for providing a response in the resources below for programs that do not have a transcript or an equivalent document to provide.
**Resources**

- **Federal Guidance on Public Charge: When is it safe to use public benefits?** This article provides guidance on what public benefits can be used and what benefits can affect the immigration process or status. It also includes a full issue brief by selecting the PDF icon.
- **USCIS guidance on public charge during COVID 19**: This site provides guidance from USCIS regarding what services for COVID 19 apply to public charge.
- **Form I-944**: This is the form that is filled out along with the legal residency application to show self-sufficiency.
- **US citizenship and immigration services in Virginia**: This site provides a list of US citizenship and immigration services in the state of Virginia. It is organized by region, and these resources are free or low-cost.
- **Specialized resources for advocates and service providers**: This site provides materials including FAQs and fact sheets that can be distributed to clients.
- **Public charge risk estimate**: This tool is used for green card applicants to estimate their risk for denial due to public charge.
- **Templates for documentation requests**: This document is a template that programs can use to respond to documentation requests from current or previous students who need documentation of their education or workforce program participation.
- **COABE Webinar- Understanding what the new immigration public charge rule means for adult educators**: This webinar was organized by COABE to explain the basics of public charge to adult educators. It provides overviews of the main points of public charge, how those points apply to adult education and resources for adult educators to use when advising on public charge.
- **National Immigration Law Center**: This organization is decided to defend and advocate for the rights of immigrants with low income. Their website has news releases and a blog to keep updated on immigration related information. You can also sign up to receive updates via email.