

DATE: February 20, 2020

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, SNAP Directors, Staff
Development Coordinators

FROM: Jeffrey Gaskell, Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Update on the “Inadmissibility on Public Charge Grounds” Final Rule

EFFECTIVE DATE: Immediately

CONTACT PERSON: TA Bureau: (518) 474-9344 or: otda.sm.cees.tabureau@otda.ny.gov
SNAP Bureau: (518) 473-1469 or: otda.sm.cees.snap@otda.ny.gov

Purpose

The purpose of this General Information System (GIS) message is to: (1) inform social services districts (districts) that the United States (U.S.) Department of Homeland Security (DHS) announced it will begin enforcing the published “Inadmissibility on Public Charge Grounds” final rule on February 24, 2020; and, (2) remind districts of guidance provided in [19-LCM-09-T](#), *Inadmissibility on Public Charge Grounds Final Rule*.

Background

As indicated in [19-LCM-09-T](#), DHS published a final rule on August 14, 2019 that changed how it determines if certain non-citizens are considered a public charge. The final rule was scheduled to take effect on October 15, 2019, however, a multi-state legal challenge delayed implementation. On January 27, 2020, the U.S. Supreme Court issued a decision that allowed the final rule to take effect. Although litigation is on-going, DHS announced that it will begin enforcing the final rule on February 24, 2020. Additional guidance for districts from the New York State (NYS) Office of Temporary and Disability Assistance (OTDA) will be forthcoming.

Program Implications

Under the former policy, receipt of Public Assistance (PA) or Supplemental Security Income (SSI) by certain non-citizens could be considered when evaluating whether they are likely to become a public charge, which could affect their eligibility for admission to the U.S. or an adjustment of immigration status. The published final rule now adds Supplemental Nutrition Assistance Program (SNAP) benefits as a consideration for public charge purposes if received after February 24, 2020. Please refer to the NYS Department of Health (DOH) website for information regarding Medicaid implications:
https://www.health.ny.gov/health_care/medicaid/2020/2020-01-29_fact_sheet.htm.

There is no change to the eligibility criteria, application, or disenrollment processes associated with PA and SNAP. Any individual seeking to submit an application for benefits, withdraw an application, or to disenroll from benefits at a district office must be permitted to do so.

Districts are reminded that, in accordance with [19-LCM-09-T](#), workers must not offer advice, recommendations, or opinions about how an individual's receipt of benefits might impact a public charge determination. Individuals with questions specific to public charge, should be directed to contact their immigration attorney and/or referred to the NYS Office for New Americans (ONA) Hotline at: 1-800-566-7636 or their website: www.newamericans.ny.gov.

Additionally, as previously directed in [19-LCM-09-T](#), districts must continue to display the NYS ONA Public Charge Poster in reception and lobby areas where applications for PA and/or SNAP are accepted.

For questions or additional information please contact the NYS OTDA Temporary Assistance (TA) Bureau at: (518) 474-9344, otda.sm.cees.tabureau@otda.ny.gov or the NYS OTDA SNAP Bureau at: (518) 473-1469, otda.sm.cees.snap@otda.ny.gov.