



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	21 TA/DC033 Upstate and New York City
Date:	June 1, 2021
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, MA Directors, Staff Development Coordinators, WMS Coordinators
From:	Alison Maura, Director of Temporary Assistance and HEAP Employment and Income Support Programs
Subject:	Public Charge Policy Update
Effective Date:	Immediately
Contact Information:	NYS OTDA Temporary Assistance Bureau at: (518) 474-9344 or otda.sm.cees.tabureau@otda.ny.gov NYS OTDA Supplemental Nutrition Assistance Program Bureau at: (518) 473-1469 or otda.sm.cees.snap@otda.ny.gov NYS DOH District Liaison: Upstate – (518) 474-8887; New York City – (212) 417-4500

Section 2

The purpose of this GIS message is to notify social services districts (districts) that on March 9, 2021, the United States (U.S.) Department of Homeland Security (DHS) vacated the August 2019 “Inadmissibility on Public Charge Grounds” final rule (“final rule”).

[19-LCM-09-T](#) and [GIS 20 TA/DC011](#) informed districts of the final rule, which changed how DHS determined if certain non-citizens are considered a public charge by permitting the receipt of federally funded Medicaid (MA) and Supplemental Nutrition Assistance Program (SNAP) to be considered for public charge purposes.

As of March 9, 2021, the final rule is no longer in effect. As a result, the 1999 interim field guidance on the public charge inadmissibility provision (i.e., the policy that was in place before the final rule) is now in effect. Therefore, for some non-citizens, their receipt of Public Assistance (PA) or Supplemental Security Income (SSI) may be considered when evaluating whether they are likely to become a public charge, which may make them ineligible for admission to the U.S. or an adjustment of immigration status. The receipt of MA (except for long-term institutionalization at the government’s expense) and SNAP by non-citizens are no longer being considered as part of the public charge inadmissibility determination.

There is no change to the eligibility criteria, application, or case closing processes associated with PA, SNAP and/or MA. Any individual who contacts their district office seeking to submit an application for benefits, withdraw an application, or to disenroll from benefits by closing their case 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, including but not limited to how the receipt of benefits might affect the individual's immigration application or status, should be directed to contact their immigration attorney and/or referred to the New York State (NYS) Office for New Americans (ONA) Hotline at: 1-800-566-7636.

Additional guidance for districts from the NYS Office of Temporary and Disability Assistance (OTDA) will be forthcoming. For questions or additional information, please contact the NYS OTDA Temporary Assistance (TA) Bureau by calling: (518) 474-9344 or emailing: otda.sm.cees.tabureau@otda.ny.gov or the NYS OTDA SNAP Bureau by calling: (518) 473-1469 or emailing: otda.sm.cees.snap@otda.ny.gov. For MA related questions, districts are directed to contact the NYS Department of Health (DOH) district liaison by calling: (518) 474-8887 (Upstate) or (212) 417-4500 (New York City).