



Unemployment Insurance is NOT Subject to the Public Charge

Unemployment Insurance

- Unemployment Insurance (UI) is **NOT** subject to the public charge because it is **an earned benefit** based on a person’s work credits/history.
- Not everyone qualifies for UI, but those who do qualify have **earned** the UI **work credits**, which can be claimed when you apply.
- Please encourage community members to file for Unemployment Insurance if they have lost their jobs or have experienced a reduction in hours. They can [file a claim here](#).

*****If community members need public benefits to survive the COVID-19 crisis – they should apply for benefits regardless of the public charge rule! The need for food, health care, and housing is more important and outweighs any Public Charge concerns.*****

Public Charge is a test that USCIS applies in two circumstances:

1) when a person is in the US and applying for a green card; and

2) when a person is in the US and extending their visa. Most people do not have to worry about the public charge test. If you have a green card, it doesn’t apply to you unless you are re-entering the US after leaving for 6+ months, or you commit a crime. The test does not apply to US citizens, or when a green card holder is applying for citizenship.

Public Charge Rule Summary	
What Public Benefits count?	Details of the Rule: Who is and who isn't affected? And totality of the circumstances test.
<ul style="list-style-type: none"> • SSI • TANF • Long-term Care • Non-emergency OHP • SNAP • Section 8 Housing Vouchers • Section 8 Rental Assistance • public housing <p>All other benefits or programs not included above are not counted. Find more info here.</p>	<ul style="list-style-type: none"> • The rule is narrow and only applies: 1) when someone is applying for a green card, or 2) is extending their visa. (The immigrants applying for a green card are already in the US and are being petitioned by a family member). • The Public Charge test does NOT apply to: 1) Asylee, 2) Refugee, 3) Survivors of crime: U and T visas, and VAWA, 4) Special Immigrant Visas from Iraq and Afghanistan, 5) SIJS, 6) current green card holders, and 7) US citizens. • Receipt of public benefits is only 1 of many factors in the “totality of circumstances test” that USCIS consider when applying the public charge test. Other factors considered are: age, health, family/household status, financial status, education, and affidavit of support. • Receipt of public benefits for more than 12 months is a heavily negative factor, but does not automatically make someone a public charge.

If you think the Public Charge test applies to you, call the Oregon Law Center Public Benefits hotline at: (1-800-520-5292) and seek help from a licensed immigration lawyer.