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Local Commissioners Memorandum

Section 1

Table with 2 columns: Field (Transmittal, To, Issuing Division/Office, Date, Subject, Contact Person(s), Attachments) and Value.

Section 2

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform social services districts (districts) of the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) and the U.S. Department of Homeland Security (USDHS) U.S. Citizenship and Immigration Services (USCIS) request for states to conduct an outreach effort reaffirming current public charge policies, specifically informing households that participating in the Supplemental Nutrition Assistance Program (SNAP) does not make someone a public charge and will not be considered in a public charge determination.

II. Background

On March 9, 2021, as noted in 21-LCM-13 and GIS 21 TA/DC033, the USDHS vacated the August 2019 "Inadmissibility on Public Charge Grounds" final rule (final rule). 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 Temporary Assistance (TA) 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 United States or prevent them from adjusting their immigration status/becoming a lawful permanent resident (LPR).

The receipt of Medicaid (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.

### III. Program Implications

There is no change to the eligibility criteria, application, or case closing processes associated with TA, 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.

Although some non-citizens and their families are eligible for SNAP, many do not apply in fear that doing so will make them a "public charge" and negatively impact their future immigration status. This sentiment increased with the final rule and appears to persist even though the rule was vacated as of March 9, 2021.

In accordance with the federal outreach request to ensure that households are informed of current SNAP public charge policies, districts are directed to display the attached public charge outreach posters (in English and Spanish) in all reception and lobby areas where applications for TA and/or SNAP are accepted. The New York State Office of Temporary and Disability Assistance (OTDA) will not be printing or shipping copies of the posters.

Districts are encouraged to either post the link to the current SNAP public charge policy information, located on OTDA's website at: <https://otda.ny.gov/programs/snap/qanda.asp#noncitizen> or add the posters directly to their district's website.

Lastly, districts are reminded that, in accordance with [21-LCM-13](#), 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 Office for New Americans Hotline at: 1-800-566-7636.

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### Issued By:

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**Title:** Deputy Commissioner

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