

## COVID-19 and Public Charge

*Adapted from “Coronavirus and Public Charge” developed by Massachusetts Law Reform Institute, Health Care for All, and Health Law Advocates, and the Massachusetts Immigrant & Refugee Advocacy Coalition*

### **Can immigrants in Massachusetts get COVID-19 testing and treatment?**

**YES. All MassHealth plans, including MassHealth Limited, will pay for COVID-19 testing and treatment,<sup>1</sup> with no out-of-pocket costs. The Health Safety Net will also cover testing and treatment provided by hospitals and community health centers.**

### **Will receiving state-covered COVID-19 treatment be counted against immigrants in the “public charge” test?**

USCIS will not consider “testing, treatment, nor preventative care (including vaccines, if a vaccine becomes available) related to COVID-19” as a negative factor in the public charge test, “even if such treatment is provided or paid for by one or more public benefits.”<sup>2</sup> Emergency Medicaid – MassHealth Limited – is also exempted from being considered under the rule.

- **Everyone who needs care should seek it out without fear of it affecting their immigration status.**
- There is a Special Enrollment Period for uninsured residents until April 25.  
[www.mahealthconnector.org](http://www.mahealthconnector.org)
- As of March 18, 2020, MassHealth will not end coverage for anyone who is approved during the national emergency and for one month after the emergency period ends.

### **Will receiving unemployment benefits as part of the COVID-19 response be counted in the “public charge” test?**

**NO.** Unemployment benefits are NOT considered under the public charge test. **Applying for unemployment poses no risk to immigrants’ status.** However, other factors are still considered for the public charge test (e.g., age, health, family size, income and assets, education, work history, and English proficiency).

### **Will receiving cash or food assistance as part of the COVID-19 response be counted in the “public charge” test?**

USCIS has said that immigrants who are subject to the public charge ground will have an opportunity to present evidence regarding how COVID-19 impacted the totality of their circumstances, including their use of relevant public benefits (such as SNAP).<sup>3</sup>

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<sup>1</sup> <https://www.mass.gov/info-details/masshealth-coronavirus-disease-2019-covid-19-applicants-and-members>. This will be considered emergency care, which will not be a negative factor under the public charge test.

<sup>2</sup> <https://www.uscis.gov/greencard/public-charge>.

<sup>3</sup> <https://www.uscis.gov/greencard/public-charge>

**Is it safe to go to the hospital or a health center?**

Yes. ICE has said that during the crisis, it will not carry out operations “at or near health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities, except in the most extraordinary of circumstances.”