

KNOW YOUR RIGHTS



TOP FACTS ABOUT PUBLIC CHARGE

Some people are concerned about applying for public benefits due to their immigration status. However, immigrants can now use most public benefits—such as food, health care, housing, and COVID-19 programs—without putting their legal status at risk.

Public charge is a term in immigration law that describes a person who is primarily dependent on the government for support. Immigration officials review applications for visas and green cards to determine if a person is likely to become a public charge, based on the individual's income, age, family size, health, education, job, and affidavit of support (contract with a sponsor).

1. PUBLIC CHARGE DOES NOT APPLY TO EVERYONE

Refugees, asylees, many survivors of trafficking, domestic violence and other serious crimes, and many other “humanitarian” immigrants are not affected. Lawful permanent residents (or people with “green cards”) do not face a public charge test unless they leave the U.S. for over 180 days and seek to reenter.

2. MOST BENEFITS DO NOT AFFECT A PERSON'S IMMIGRATION STATUS

The following benefits ARE NOT CONSIDERED in a public charge decision:

- Nutrition and housing assistance programs, including Basic Food (SNAP), WIC, school lunch, Section 8, and public housing
- Cash payments for a specific purpose, like home energy assistance or childcare
- Emergency disaster relief, COVID-19 assistance, Economic Impact Payment checks, one-time financial assistance, and food programs
- Community-based services like food banks and shelters
- Apple Health (Medicaid) and other health care programs or subsidies (only considered if they are paying for long-term care - see below)
- “Earned” benefits like Social Security, retirement, and veteran's benefits

3. BENEFITS CONSIDERED IN A PUBLIC CHARGE

- Cash assistance that is intended to pay for ongoing living expenses, like SSI or TANF
- Long-term institutional care paid for by Medicaid or another government program

4. NON-CASH BENEFITS USED BY FAMILY MEMBERS WILL NOT IMPACT YOUR IMMIGRATION STATUS

Family members, including children, can apply for the public benefits that help them thrive. There is one exception - if you are relying on cash assistance like SSI or TANF received by your family members, it may be considered if it is your only source of support.

5. YOUR PERSONAL INFORMATION IS PROTECTED

Federal and state laws generally protect the privacy of people who apply for or receive public benefits. Applications for public programs should not ask for information about the immigration status of people who are not applying to get benefits for themselves. Benefit agencies may share information with other government agencies only for purposes of running their programs, with limited exceptions. You should provide only the information necessary in the application.

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