

Some people who apply for a green card (Lawful Permanent Resident status) or a visa to enter the U.S. must pass a "public charge" test, which looks at whether they are likely to depend primarily on the government for support in the future. Immigration officials review all of a person's circumstances and may consider whether a person has used two specific types of benefits in the past. If immigration officials determine a person is likely to depend on the government for support in the future, they can deny that person permission to come to the U.S. or deny their green card application. Here are 3 things to know:

# 1

## WHO DOES PUBLIC CHARGE APPLY TO?

Public charge does not apply to everyone. It mainly affects people applying for Green Card status through a family visa petition. Many people are not subject to the public charge test and don't have to worry about it.

There is no public charge test for **many categories of immigrants** including:

- Asylees
- Refugees
- U or T visa applicants and holders (for survivors of certain crimes & human trafficking)
- VAWA self-petitioners
- People seeking or granted SIJS (Special Immigrant Juvenile Status)

There is also no public charge test when an immigrant **applies** for the following:

- U.S. citizenship
- Green card renewal
- Asylum, Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), or Deferred Enforced Departure (DED) (initial applications and renewals)

## WHICH BENEFITS ARE CONSIDERED?

# 2

Immigration officials can only consider the following **two types of benefits** in the public charge test:

1. Monthly cash assistance that a person receives on an ongoing basis such as Supplemental Security Income (SSI), "Aged Blind and Disabled" (ABD) benefits, and Temporary Assistance for Needy Families (TANF).
2. Long-term care in an institution (like a nursing home) paid for by the government.

Immigration officials can only consider benefits received by the green card applicant. They cannot consider benefits used by other family or household members, even if the applicant's name is on their family member's application. Most people applying for family-based green cards are not eligible for these benefits programs.

Visit the link below or scan:



# ***IMMIGRATION OFFICIALS WILL NOT CONSIDER***



Medical assistance (except for long-term care in an institution paid for by the government): Apple Health, AEM (Alien Emergency Medicaid), Apple Health for Kids, local health care programs; and insurance and subsidies through <https://www.wahealthplanfinder.org/>



Nutrition programs, such as Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), school lunch programs, and food banks



Subsidized housing programs, such as Section 8, rental assistance programs, and Public Housing



COVID vaccines, testing, and treatment, and COVID-related supports, such as Pandemic Electronic Benefits Transfer (P-EBT), stimulus payments, child tax credits, COVID-19 Immigrant Relief Fund or emergency rental assistance



Other non-cash assistance programs such as child care assistance or Low Income Home Energy Assistance Program (LIHEAP) benefits.



Cash benefits based on work or earnings, including Social Security retirement or disability (SSDI), pensions, veterans benefits, unemployment insurance

## **3**

### **WHAT OTHER FACTORS WILL BE CONSIDERED?**

The law requires immigration officials to consider the totality of a person's circumstances in the public charge test, and not just whether the person has used cash assistance or institutional long-term care. Past use of public benefits can be outweighed by **positive factors** such as:

- Income
- Employment or offers of employment
- Education, training or certifications
- Health
- Family Status
- Affidavit(s) of support (a contract agreeing to provide financial support to the person, which must be submitted by the family member who filed the visa petition. Officials will give favorable consideration to an affidavit of support if it meets legal requirements.)

We strongly recommend that immigrants seek trusted legal advice if they have public charge or immigration status concerns; in most cases public benefits use will not negatively impact an immigrant's legal status or application for legal immigration status.

#### **Learn more from Washington Law Help:**

<https://www.washingtonlawhelp.org/resource/public-charge-when-is-it-safe-for-immigrants-to-get-benefits>

Updated national information and resources in more languages are available at [pifcoalition.org](http://pifcoalition.org).

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