

Many Immigrants Can Receive Public Benefits Without Public Charge Risk

What is public charge?

Some people can have their applications for visas or green cards denied if immigration officials find that they are likely to become a “public charge.” When immigration officials decide whether someone is likely to become a public charge, we sometimes call this the public charge test.

Many people are NOT subject to the public charge test. If you are not subject to the public charge test, you can safely receive any public benefit you qualify for without any public charge risk.

✓ Public charge cannot be used to deny applications for any of the following:

- Refugee/asylum status
- U and T Visas
- VAWA petitions
- Special Immigrant Juvenile status
- DACA and TPS
- And some others

✓ These people cannot be denied green cards on public charge grounds:

- Refugees
- Asylees
- U and T Visa holders
- VAWA petitioners
- Special Immigrant Juveniles
- And some others

✓ Public charge cannot be used to deny an application for U.S. citizenship. A person with a green card cannot be denied U.S. citizenship on public charge grounds.

✓ People with green cards cannot be denied reentry to the U.S. on public charge grounds after trips abroad of less than 180 days.



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Who is subject to the public charge test?

Many who apply to be lawful permanent residents through petitions filed by family members will need to pass the public charge test to get a visa and a green card. Some others applying for green cards or visas are subject to the test too. If you are unsure, talk with an immigration attorney.

I am subject to public charge. Can I safely receive public benefits?

If you will need to pass the public charge test in order to get your green card or visa, receipt of some public benefits can be counted against you during the public charge test. But there are still many public benefits you and your family can safely receive if you are eligible.

- ✓ **Before October 15, 2019, the only public benefits that can be considered during a public charge test are cash assistance and long-term care MA.** Cash assistance includes TANF, General Assistance, and SSI. Long-term care Medical Assistance (MA) is a special kind of MA used to pay for things like nursing home admissions.
- ✓ **Starting October 15, 2019,* federal Medical Assistance (with some exceptions), SNAP (food stamps), and housing subsidies can also be considered.** These kinds of MA will NOT be counted: Emergency MA, MA for pregnant women or children under 21, and state-funded MA. Only your receipt of federal MA, SNAP, or housing subsidies after October 15, 2019 can be counted against you. Your family can safely receive any of these benefits after October 15, 2019 without public charge risk.
- ✓ **All other benefits are not and will not be considered in the public charge test.** This includes CHIP, Marketplace subsidies, WIC, LIHEAP, Unemployment Compensation, Workers Compensation and more. If you are eligible, you can receive these benefits without public charge risks.

If you are subject to a public charge test, talk with an immigration attorney. Even if you have received public benefits, an immigration attorney might be able to help you prove that you are not a public charge.

*Many lawsuits challenging the changes scheduled to start on October 15, 2019 have been filed. The lawsuits might delay the October 15 start date or they might result in the changes never being made.