What is a “public charge?”

An immigrant who uses certain kinds of benefits from the government might be considered a “public charge” by the government. This can affect your immigration status. Just using government programs does not make you a public charge.

Which programs might put someone at risk of being considered a “public charge”?

The only government programs that can be considered before Feb. 24 are:

- Cash assistance (like TANF or SSI)
- If the government is paying for institutionalized longterm health care (like a nursing home)

New rules go into effect on Feb. 24, 2020, and the government can now ask about these programs (but only if they are used after Feb. 24, 2020):

- SNAP (food stamps)
- Federal Medicaid (NOT New York State Medicaid, the Essential Plan, Emergency Medicaid, H+H Options, Child Health Plus, or Medicaid for pregnant women and children)
- Section 8 and public housing

Being enrolled in these programs does NOT necessarily mean you will be considered a public charge, but they are some of the things the government looks at.

MOST government benefits are not included on this list. If your children are US Citizens you can apply for them to use these programs without putting yourself at risk.

When does the government decide if someone is a “public charge”?

It happens when you are applying for a green card or some kinds of visas. When you apply for citizenship the government does NOT check if you are a “public charge.”

What should I do?

You don’t need to cancel your benefits if you’re not at risk of being considered a “public charge.” Even if you are, it is important to think about what programs you and your family need as well as immigration concerns. If you have questions about “public charge” related to an existing or future immigration application, you should talk to an immigration lawyer.

Call the New Americans Hotline at 1-800-566-7636 for suggestions about where to get legal advice. The hotline is free and anonymous, and help is available in many languages.

Immigrants with certain statuses can apply for a green card without being considered a “public charge” no matter what. These include:

- Refugees and asylees
- Victims of serious crimes (like U and T visa holders)
- VAWA self-petitioners (for people who are victims of violence committed by family members)
- Special immigrant juveniles (SIJS)
- Some other immigrants