

# KNOW YOUR RIGHTS: TOP 5 FACTS ABOUT PUBLIC CHARGE

March 2021

**Know the facts, make a plan, and tell a friend.** Some people are concerned about applying for public benefits for their eligible family members, such as children, due to their own immigration status. You have rights in this country no matter where you were born. We encourage you to learn more about your situation.

**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 US for over 180 days and seek to reenter.

2

**MOST PUBLIC 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 SNAP, WIC, School meals, Section 8 and Public Housing;
- Cash payments for a specific purpose like home energy assistance or childcare;
- Emergency disaster relief, including pandemic and COVID-19 assistance such as COVID-19 testing, treatment, vaccines, economic impact payment checks (stimulus checks), one-time financial assistance, and food programs like P-EBT;
- Community-based services like food banks and shelters;
- Medicaid and other health-care programs are only considered if they are paying for long-term care, like in a nursing home;
- “Earned” benefits like Social Security, retirement, veteran's benefits.

3

**ONLY A FEW BENEFITS ARE CONSIDERED IN A PUBLIC CHARGE TEST.** These benefits are:

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

If you have used these specific programs in the past, you still have a chance to show that you are not likely to become a public charge. Immigration officials must look at all of your circumstances when they review your green card or visa application. This includes your age, health, income, assets, resources, education/skills, family you must support, and family who will support you.

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.

**GET THE FACTS, MAKE A PLAN. INFORMATION IS POWER!**

**GET A FREE PERSONALIZED SCREENING.**

**VISIT [WWW.KEEPYOURBENEFITS.ORG](http://WWW.KEEPYOURBENEFITS.ORG)**

Learn more about what this rule means for you. If you will be applying for your green card soon, work with your lawyer to determine how these changes might affect you or your family. If you need free or low-cost legal assistance, find services near you at: <https://www.immigrationadvocates.org/legaldirectory/>.