

The long-standing [1999 field guidance](#) is the current public charge policy that guides immigration officials in their review of applications for lawful permanent residence. This guidance makes it clear that the use of most public benefits programs, such as health, nutrition, and housing programs, will not have an impact on an individual's immigration status.

What is public charge? A public charge is a person who is primarily dependent on the government for support, by either receiving cash assistance for income maintenance, or by being institutionalized for long-term care at government expense.

In making a public charge determination, immigration officials review all of a person's circumstances, including their age, income, health, education or skills, family situation, and their sponsor's affidavit of support or contract. As explained below, they can also consider whether a person has been primarily dependent on certain benefits in the past. If immigration officials determine that a person is **likely** to become a public charge **in the future**, they can deny that person permission to come to the U.S. or deny their application for a green card, which is formally called lawful permanent resident status (LPR).

A

WHO DOES PUBLIC CHARGE APPLY TO?

Public charge primarily affects family-based immigrants applying for green cards or applying for entry into the U.S. Many categories of immigrants are exempt from public charge.

There is **no public charge test** for the following categories of immigrants:

- Asylees
- Refugees
- U or T visa applicants and holders (human trafficking or victims of crimes)
- VAWA self-petitioner
- People seeking or granted SIJS (Special Immigrant Juvenile Status)

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

- U.S. citizenship
- Green card renewal
- Asylum DACA, TPS, or DED (initial applications and renewals)

Many more immigration categories are also exempt. A complete list of immigrants exempt from the public charge test of inadmissibility can be found [here](#).

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B

WHICH BENEFITS ARE CONSIDERED?

Only benefits received by the person applying for LPR status are considered. DHS does not consider benefits used by other family or household members, unless the benefits received are the sole source of income for the family. Most people applying for family-based green cards are ineligible for these programs.

If public charge applies to an individual, only the following benefits will be considered in a public charge test of inadmissibility:

- Monthly cash assistance intended to support a person. This includes Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and state-based cash assistance programs.
- Long-term institutional care at government expense.

DHS will not consider the following benefits in a public charge test:

- Medicaid, Emergency Medicaid, Children’s Health Insurance Program (CHIP), state and locally-based health care programs (for services other than long-term care), and other health coverage, including subsidies for insurance purchased through Healthcare.gov and other healthcare exchanges
- 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 and Public Housing
- COVID-related supports, such as Pandemic Electronic Benefits Transfer (P-EBT), stimulus payments, child tax credits, emergency rental assistance, and more
- Other state-based, non-cash assistance programs
- Cash benefits based on work or earnings, including Social Security, retirement, pensions, veterans benefits.

C

THE TOTALITY OF CIRCUMSTANCES

If the public charge test applies to an individual, DHS officials will look at all of their circumstances when reviewing their application, including their affidavit of support. An affidavit of support is a contract that a sponsor – usually a family member – signs to accept financial responsibility for an individual who is moving permanently to the U.S.

Even if someone has used the programs above, immigration officials will look at the individual’s whole situation when they decide if he or she is likely to become a public charge in the future. Past use of public benefits is just one element of the public charge test of inadmissibility, and can be outweighed by positive factors. The public charge test also considers:

- Income
- Employment
- Education
- Health
- Family Status
- Affidavit of support

We strongly recommend that immigrants seek trusted legal advice before disenrolling from public benefits due to public charge or immigration status concerns; in most cases public benefits use will not negatively impact an immigrant’s legal status. Updated information and resources in more languages are available [here](https://www.protectingimmigrantfamilies.org).