

# Public Charge Update

Northwest Health Law Advocates

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**The federal government has reaffirmed that accessing most public benefits does not affect immigration status.**

- The Trump Administration's restrictive 2019 rule is no longer in effect
- Immigrants can safely use many benefits, including food, housing, and medical assistance, without fear of "public charge"
- Immigration officials are now following [1999 Field Guidance](#), so will only consider the applicant's use of:
  - Ongoing cash assistance (such as TANF, State Family Assistance, Aged Blind and Disabled benefits, or Supplemental Security Income)
  - Long-term care in an institution (like a nursing home) paid for by the government

# Medicaid Public Charge Guidance

New [federal guidance](#) from CMS reaffirms the current approach:

- Immigration officials will generally not consider Medicaid (Apple Health) in a public charge determination
- There is one exception: individuals who are institutionalized for long-term care
  - Example: nursing facility residents or residents of mental health institutions who receive Medicaid coverage for their institutional services
  - But, institutionalization for short periods of rehabilitation is not considered
  - And the guidance reminds state Medicaid agencies not to share information about who has received institutionalized care with immigration officials
- Guidance also reiterates that Children's Health Insurance Program (CHIP) benefits are never considered in public charge

# Remember:

- The public charge test does not apply to all immigrants! It mainly affects people applying for green card status through a family visa petition
- The public charge test always considers the “totality of the circumstances”
- The public charge test does not consider COVID-related benefits, such as testing, treatment, or vaccine

# More Resources...

- Washington Law Help: “[Public Charge: What You Need to Know](#)”
- Protecting Immigrant Families Washington resources:
  - Know Your Rights in [English](#) and [Spanish](#)
  - Detailed fact sheet n in [English](#) and [Spanish](#)
- National resources:
  - Keep Your Benefits [screening tool](#)
  - Protecting Immigrant Families [national resources](#) in multiple languages

*Contact [emily@nohla.org](mailto:emily@nohla.org) if there are questions we can address in a future training or other resource needs!*