



PUBLIC CHARGE:

A new rule is final!

UPDATED
November, 2023

What is Public Charge?

Some people who apply for a green card (lawful permanent resident status) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to depend primarily on government services in the future. Immigration officials look at all of a person’s circumstances, including their age, income, health, education or skills, family situation and their sponsor’s affidavit of support.

IN THE PAST FEW YEARS, the law about “public charge” has changed several times, leaving families confused about what it all means for them. A new regulation on public charge became final in September 2022. Read this flyer for the latest information on public charge!

What benefit programs can I use *without concern*?

Under the new public charge rule in 2022, using the following government programs will **NOT** affect your immigration status or your immigration application. You **and** your children and family members may use them **without concern** if you are eligible.

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| <ul style="list-style-type: none"> ▶ Medicaid*, ACA, free or sliding-scale clinics, and all other health care <ul style="list-style-type: none"> ◇ *Except for long-term institutional care paid for by Medicaid | <ul style="list-style-type: none"> ▶ Limited or one-time financial assistance <ul style="list-style-type: none"> ◇ This includes rental relief programs, energy assistance, or other financial assistance for specific purposes |
| <ul style="list-style-type: none"> ▶ SNAP (food stamps) | <ul style="list-style-type: none"> ▶ Public Housing |
| <ul style="list-style-type: none"> ▶ Vaccinations provided by county health departments or community clinics | <ul style="list-style-type: none"> ▶ WIC (Women, Infant, and Children’s Nutrition program) |
| <ul style="list-style-type: none"> ▶ All tax credits, including Earned Income Tax Credit (EITC), and child tax credits | <ul style="list-style-type: none"> ▶ Free or reduced-price school lunches and breakfasts |
| <ul style="list-style-type: none"> ▶ Unemployment benefits | <ul style="list-style-type: none"> ▶ Food banks or shelters |

▶ **And any other benefits that are not listed in the section below...**

Are there any benefit programs I *should be concerned* about using?

- The **only** programs in NC considered negatively for the public charge test are:
- ▶ Two cash assistance programs that provide **on-going payments**:
 - SSI (payments for disabled persons) and TANF (monthly cash assistance), and
 - ▶ **Long-term** institutional care at government expense

USCIS (Immigration) will NOT consider ANY benefit programs used by your children or other family members in your household. Your eligible children and family members can use any benefit program they need and Immigration will not ask about it or consider it in your immigration application.

Public charge does not apply to everyone!

- Are you and your family members U.S. citizens?



Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.

- Do you and your family members already have green cards?



Public charge does NOT apply to you when you renew your green card or apply to become a U.S. Citizen.

HOWEVER, IT MAY APPLY IF YOU LEAVE THE COUNTRY FOR MORE THAN 6 MONTHS.

It is a good idea to talk with an immigration attorney if you are planning to take a long trip outside the U.S.

- Are you applying for or do you have one of the following statuses: TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?



Public charge does NOT apply to you. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.

- Do you plan to apply for a family-based green card?



PUBLIC CHARGE MAY APPLY.

The only benefits considered in a public charge test are: cash assistance programs that provide on-going payments (Examples in NC include: SSI and TANF) and long-term institutional care like in a nursing home paid for by the government.

We recommend that you speak to a knowledgeable immigration attorney before submitting any immigration-related application.

FOR MORE INFORMATION:

- Charlotte and surrounding counties: (704) 376-1600
- Eastern North Carolina, Triangle and Triad: (919) 856-2162
- Western North Carolina: (828) 253-0406

(Se habla español, and interpreters are available in various languages)



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