

Does public charge apply to me?

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What is public charge?

Public charge is an immigration policy for some people who want to get a green card (Lawful Permanent Residency status) through their family members or a visa to come to the U.S. It also applies to some people with green cards who leave the U.S. for more than six months. The basic rule is that people who might be dependent on the government for support could be denied a green card. This has been the law for over 100 years.

What do immigration officers consider when deciding if you're a public charge?

- By law, they are supposed to consider your age, health, family status, income, education, and work skills. They also consider whether a family member has agreed to support you financially.
- Receiving a benefit program alone does not *automatically* make you a "public charge." However, the government says that after September 18, 2026, officers can look at any type of benefits you have used if those benefits are limited to people with low incomes.
- **The government also says it is coming out with more guidance in September 2026 that might provide more information. Stay tuned for updates.**
- Because these rules are complicated, it is a good idea to talk to a lawyer before you leave the country or apply for your green card.

Does public charge apply to me?

Public charge does NOT apply if you:

- Are a U.S. citizen
- Already have your green card / permanent residency and stay in the United States
- Are applying for TPS, U or T visa, asylum or refugee status, or Special Immigrant Juvenile (SIJ) status
- Are applying for a green card based on having SIJ, being an asylee or refugee, or your green card application is filed by someone who has a U or T visa
- Have no pathway to obtain a green card or you do not plan to apply for a green card in the future

Public charge MAY apply if you:

- You plan to apply for a family-based green card
- You have a green card but leave the country for more than 6 months.

THIS IS NOT LEGAL ADVICE – Every family's situation is different. Speak to a knowledgeable immigration attorney before submitting any immigration-related application.

What is in the new rule?

When does the new public charge policy go into effect?

The new 2026 policy will start on September 18, 2026. Until then, the 2022 rule is still in effect. Advocates are working hard to stop this new policy, in the courts and in Congress.

Will my use of benefits like health care or food assistance in the future hurt my green card application? Which benefits programs will be considered?

The new policy allows immigration officials to look at many factors, including any benefits use that is based on having a low income, when making a public charge determination. The rule does not name any specific programs and allows officials to use their own judgment.

What about programs I used in the past? How far back can they look?

The new policy allows officials to count past use of *cash* benefits like Work First or long-term institutionalization at government expense used before September 18, 2026. No other benefits used *before September 18, 2026*, including Medicaid, SNAP, WIC, or school lunch will be counted in public charge determinations.

What about my kids using benefits?

The new policy allows officials to consider a dependent's use of benefits in a public charge determination. Officials can also consider the applicant's economic conditions during the time their dependent used benefits.

Should I quit using benefits programs now?

If you are considering applying for a green card, the new policy allows immigration officials to consider any income-based public benefits programs you might use *after* September 18, 2026. Only you can decide what's best for your family.

What if I have a sponsor?

The policy says that your sponsor is still required to submit an affidavit of support. DHS may take it into account in the public charge determination.

I have already completed a green card application. Does the new policy apply to me?

This policy will only apply to green card applications submitted and postmarked after September 18, 2026.

Where can I get more information?

- For resources on immigrant eligibility for public benefits in North Carolina, visit ncjustice.org/immigrant-health
- For more resources, including flyers in Arabic, Chinese, French, Haitian Creole, Korean, Spanish, Tagalog, and Vietnamese, go to pifcoalition.org
- To find immigration assistance and legal aid resources, go to keepyourbenefits.org/en/nc/find-help