

How the Public Charge Immigration Policy Impacts People Seeking Public Benefits

Some people who apply to enter or reenter the United States and/or modify their existing immigration status must go through a public charge assessment. Immigration officials must consider many aspects of a person's circumstances, including but not limited to use of certain public benefit programs, when completing these assessments.

The prior administration significantly changed how public charge assessments were conducted for individuals who applied for an immigration status on or after February 24, 2020. These changes created significant fear and confusion and as a result, many people have avoided using benefit programs and/or accessing health services out of fear that it would create immigration-related problems for themselves and/or their family members.

On February 2, 2021, President Biden issued an Executive Order directing federal agencies to review the public charge immigration policy among other policies that have stood in the way of immigrants and their families from accessing public benefits.

The prior administration's policy remains in place while it is under review. This resource identifies people who will not go through a public charge assessment and describes how use of some public benefit programs is factored into public charge assessments under the current policy.

Public charge does not apply to all people seeking an immigration status. **Because of the restrictive immigration-related eligibility requirements for government programs, most people who qualify for the programs identified in the current policy will never undergo a public charge assessment.** Nonetheless, the public charge policy is complex, and many people who have little to fear may still be confused and/or frightened by the changes, which could lead them to unnecessarily go without benefits.

People who will not undergo a public charge assessment:

- U.S. citizens.
- People who are lawful permanent residents (LPRs, or green card holders) do not have to go through a public charge assessment when they renew their status or apply to become U.S. citizens. If an LPR leaves the United States for more than 6 months, they may have to go through a public charge assessment.
- People with the following immigration statuses are not required to go through public charge assessments when they apply to become lawful permanent residents:
 - Asylum
 - Refugee
 - Special immigrant juvenile
 - Certain people paroled into the U.S.
 - Violence Against Women Act self-petitioners
 - Victims of Criminal Activity (U Visa applicant/holder)
 - Victims of Human Trafficking (T Visa applicant/holder)

Programs considered in a public charge assessment:

For people subject to a public charge assessment, enrollment in certain public benefits is **only one of many aspects that must be taken into consideration in the assessment**. Enrollment in these benefits may be negatively factored only for the person using the benefits. Enrollment by a parent, spouse or child would not be negatively factored in.

The following benefits are considered under the current policy:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal public housing and Section 8 assistance
- Cash assistance programs (like SSI, TANF, General Assistance)
- Medicaid

Medicaid enrollment is not factored in for: children under 21 years old, pregnant women, new mothers, emergency services, people in the U.S. military or Ready Reserve, and children and spouses of people in the U.S. military or Ready Reserve

If a program is not listed above, it is **not** considered in a public charge assessment. Examples of programs that are not considered include:

- Federally-funded COVID-19 testing, treatment, and vaccination for the uninsured
- Other programs Congress created in response to COVID-19: Economic Impact Payment (stimulus checks), Pandemic Unemployment Assistance (PUA) benefits, Pandemic Electronic Benefit Transfer (P-EBT), Student loan forbearance (suspended payments, stopped collections, and 0% interest)
- Financial assistance related to health insurance on the Affordable Care Act’s marketplaces
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Children’s Health Insurance Program (CHIP)
- School lunches
- Food banks
- Shelters
- State and local health care programs
- And many more

People who are unsure if they will undergo a public charge assessment in the future can consult with an immigration attorney. A directory of free or low-cost immigration legal services can be found at: www.immigrationadvocates.org/legaldirectory

More information about public charge and other immigration policies can be found at: www.protectingimmigrantfamilies.org