

Public Charge Guide

December 2022

GETTING MOST BENEFITS & SERVICES DOES NOT HARM YOUR IMMIGRATION STATUS.

The U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) do NOT consider health, food, and housing services as part of the public charge determination. This means many government funded benefits and services are safe to use.

Using these government funded benefits will NOT hurt your immigration status:

- Medicaid, CHIP, and the marketplace (except for nursing home or mental health institution.)
- SNAP & Pandemic EBT (food services)
- In-Home Supportive Services
- Public Housing and Section 8
- WIC (Women, Infants & Children), school meals, and many more government benefits and services

REMEMBER: Testing, treatment, and preventative services for COVID-19, including vaccines, are NOT considered for public charge purposes

Every family is different, reach out for legal advice first.

- The public charge rule does NOT apply to every immigrant.
- Getting government funded benefits alone does NOT make you a public charge.
- Government funded benefits received by your children and family members do NOT make you a public charge.
- Most people with green cards are NOT subject to the public charge rule.

An immigration or public benefits attorney can give you advice based on your specific situation. You can find a list of legal services providers below:

NM Legal Aid
301 Gold Ave SW
Albuquerque, NM 87102
(505) 243-7871

NMILC
625 Silver Ave SW
Albuquerque, NM 87102
(505) 247-1023

It is important to have accurate information, before you make a decision regarding your public benefits, so you can make the right choice for the health and well-being of your family

MANY IMMIGRANTS SHOULD NOT WORRY ABOUT PUBLIC CHARGE.

Most immigrants are NOT subject to public charge! The rule is mainly applied to people seeking admission (Visa) into the United States or applying to adjust their status (to get a Green Card) through a family-based petition.

Public charge does **NOT** apply to:

- Lawful permanent residents (LPRs) with green cards when they apply for U.S. citizenship or renew their green cards.
- Refugees, Asylees, Temporary Protected Status applicants, DACA applicants or recipients seeking renewal, Special Immigrant Juveniles, asylum applicants, and certain victims of crime, including domestic violence and human trafficking.

WHAT IS THE PUBLIC CHARGE RULE TODAY?

Public charge is defined as a non-citizen who is likely to become primarily dependent on the government for support, by receiving either:

- cash assistance for income maintenance (TANF, Supplemental Security Income (SSI) and General Assistance) OR
- being institutionalized for long-term care at government expense.

Since March 2021, the public charge rule follows the [1999 field guidance](#). These guidelines do not consider the receipt of most government funded health, food, or housing services in a public charge determination. For additional details visit, [U.S. Citizenship and Immigration Services Public Charge Resources website](#).

WE PROTECT YOUR CONFIDENTIAL INFORMATION.

When you apply for government funded benefits, your information is only used to decide if you qualify. You do NOT have to share your immigration status if you are only applying for benefits for somebody else, like your child.