

# Office of Refugee and Immigrant Assistance

## Economic Services Administration | Community Services Division

### Changes to Public Charge Rule Frequently Asked Questions Updated March 2021

#### What is Public Charge?

Public charge is a term used within immigration law to denote someone who is, or is likely to become, primarily reliant upon government benefits and assistance programs for survival. The test is used in applications for lawful permanent residency (green cards) or admission to the United States – including diversity visa applications and applications to renew, change or extend visas. It is not used in processing applications for U.S. citizenship or naturalization. Depending on the “totality of circumstances” of the individual, a public charge determination could result in a denied immigration application, denied re-entry into the U.S. or deportation from the country.

#### What changes are being made to the Public Charge test?

On March 9, 2021, the United States Citizenship and Immigration Services agency [announced](#) it will no longer use the August 2019 Public Charge Rule and will instead revert to the [1999 interim field guidance](#) on public charge inadmissibility.

The [1999 interim field guidance on public charge](#) changes the definition of public charge to apply only to a client’s receipt of cash benefits or benefits used for long-term institutionalization at the government’s expense. This change removes the consideration of all other benefits when making a public charge determination. This means that Supplemental Nutrition Assistance Program (or SNAP, known as Basic Food in Washington state), Medicaid and Section 8 benefits will once again be excluded from consideration.

#### What benefits are included?

The following benefits are included in the public charge test:

- Federal, state, local or tribal cash assistance for income maintenance;
- Temporary Assistance for Needy Families or TANF;
- Supplemental Security Income or SSI; and
- Long-term institutionalization at the government’s expense.

#### What benefits are not included?

Any benefits not specifically listed in the rule will be excluded from the public charge test. These include, but are not limited to:

- SNAP
- Section 8 housing benefits
- Medicaid

- Children’s Health Insurance Program or CHIP;
- Supplemental Nutrition Program for Women, Infants and Children or WIC;
- Child care and development;
- Disaster relief;
- Earned Income Tax Credit or EITC;
- Emergency medical assistance;
- Employment and job-training;
- Federal student financial aid;
- Food banks;
- Head Start;
- Low-Income Home Energy Assistance Program (LIHEAP);
- Medicare Part D Low-Income Subsidy;
- National School Breakfast and Lunch Programs;
- Pell Grants;
- Benefits received by immigrant’s family members; and
- Any other benefit not specifically listed in the [1999 interim field guidance on public charge](#).

**What does this mean for the community?**

This means that applying for or receiving Medicaid, public housing assistance or food assistance will not make a non-citizen a public charge. That is, a non-citizen to the United States will not be deported, denied entry to the country, or denied permanent status because they receive these benefits. Receiving these benefits does not affect an individual’s immigration status nor does it affect their ability to become a U.S. citizen or lawful permanent resident.

**Who do these changes apply to?**

These changes apply only to people who are seeking lawful permanent residency (green cards) or admission to the United States – including diversity visa immigrants and applications to renew, change or extend visas in the United States. It does not apply to lawful permanent residents who are applying for U.S. citizenship or naturalization.

It also does not apply to people who are refugees and asylees, Amerasian immigrants, Afghan and Iraqi Special Immigrant Visa Holders, Cuban/Haitian Entrants, humanitarian parolees, victims of human trafficking (T-Visa), victim of criminal activity (U-Visa), Special Immigrant Juveniles or Violence Against Women Act self-petitioners.

**Do benefits used by children or other family members count?**

Generally, benefits received by a member of the applicant’s family are not counted for the purpose of determining the likelihood that the applicant will become a public charge. However, if the family is reliant on the family member’s benefits as its sole means of support, the applicant may be considered to have received public cash assistance. USCIS will make this determination on a case-by-case basis and upon consideration of the totality of the applicant’s circumstances.

**When do these changes take effect?**

These changes went into effect on March 9, 2021.

**Where can I read more about this change?**

You can read more about this change on [USCIS's Public Charge website](#), or by reviewing the [1999 interim field guidance on public charge](#).

**What resources are available?**

If anyone has questions about how receiving public benefits will affect their immigration status, they should speak to an immigration attorney. Resources may be available through one of these organizations: <https://www.governor.wa.gov/issues/issues/safe-communities/immigration-and-refugee-resources>.

Additionally, they may contact one of the following organizations for help:

- CLEAR Hotline: 888-201-1014
- Northwest Immigrant Rights Project:
  - NWIRP Seattle Office: 206-587-4009
  - NWIRP Yakima Valley (Granger) Office: 509-854-2100
  - NWIRP Wenatchee Office: 509-570-0054