NATIONAL IMMIGRATION LAW CENTER

Does the Public Charge Test Apply to Me?

The government uses the "public charge" test in some green card applications. An immigration officer may deny an application if they think the person is likely to mostly rely on the government for support in the future.

The public charge test does not apply to everyone. If it applies, the government will consider your entire situation. One thing alone should not automatically make you a public charge. The test does not apply if you already have a green card or are applying for citizenship. Find the box below that matches your situation.



I ALREADY HAVE MY GREEN CARD

Examples:

- I am applying for citizenship
- I am applying for derivative citizenship
- I am applying to renew my green card

☑ ***Public charge does NOT apply.***

If you have a green card and leave the U.S. for more than 180 days, public charge may apply when you try to return. Talk to an immigration lawyer before leaving.



I HAVE OR AM APPLYING FOR A HUMANITARIAN IMMIGRATION STATUS

Applying for any of the following or a green card based on them:

- Refugee status or asylum
- VAWA protection
- T or U visa
- Special Immigrant Juvenile classification

Applying for or renewing:

- Temporary Protected Status (TPS)
- Deferred Action (including DACA)

☑ ***Public charge does NOT apply.***



I AM APPLYING FOR A GREEN CARD THROUGH A FAMILY MEMBER

Examples:

- My spouse filed for me
- My parent or adult child filed for me
- My sibling filed for me

⚠ *You **may** face a public charge test that looks at your entire situation. This does not mean you will be denied automatically.*



I AM APPLYING FOR A GREEN CARD THROUGH A JOB

Examples:

- My employer sponsored me
- I am applying through my job
- I am applying through an investor visa

⚠ *You **may** face a public charge test that looks at your entire situation. This does not mean you will be denied automatically.*

If you are not sure of your situation, talk to a trusted immigration legal services provider. They can help determine whether the public charge test applies to you.

Can I Still Use Public Benefits?

IMPORTANT: Public charge and public benefits are not the same thing. Getting or applying for benefits can help you and your family stay healthy and meet your needs. This can help your situation. Many immigrants who receive public benefits are **not subject** to public charge.

BEFORE YOU STOP USING BENEFITS!

Do not stop using benefits without getting legal advice. The public charge test may not apply to you. Not all benefits count in the public charge test.

If you need legal help, here are some resources:

- Low-cost immigration legal help: www.immigrationlawhelp.org.
- Find immigration legal help near you: https://www.immi.org/en/Info/FindLegalHelp.
- Find an immigration lawyer on the American Immigration Lawyers Association's online directory: www.ailalawyer.com.
- Find a lawyer through the National Immigration Project: https://nipnlg.org/work/find-attorney.
- Learn more about keeping your benefits: www.keepyourbenefits.org.

Get advice from a trusted lawyer or legal services provider.