NATIONAL IMMIGRATION LAW CENTER

Public Charge: What You Need to Know

The federal government has a new public charge rule and instructions for immigration officers. Public charge may not apply to you. Before you stop using benefits, try to get legal advice.

What is public charge?

Public charge is a law that may affect some people who apply for a green card or try to enter the United States. The government may deny the application if an officer thinks the person is likely to rely on the government for support in the future.

The government must look at the person's whole situation. This includes the person's age, health, income, family size, education, and skills. **One fact alone should not decide a case.**

In 2026, the government created a new public charge policy. It includes a new rule and new guidance that tells immigration officers how to make public charge decisions.

Public charge law has not changed. The 2026 policy changes how officers apply the law when they review some green card applications. The government started using this policy on September 18, 2026. It should only apply to green card applications filed in the U.S. on or after that day.

What does the 2026 policy do?

The 2026 policy removes the clear definition and list from 2022 and does not clearly say which benefits an officer can consider. It replaces the 2022 rule and earlier guidance.

The policy says officers can consider "means-tested public benefits," which are federal, state, or local benefits with income limits. It tells officers what information to look at and how to make public charge decisions. This change does not mean everyone who uses benefits will be denied. Benefits use is only one part of the public charge decision.

Does public charge apply to me?

Public charge applies **only to some people applying for a green card,** including many people applying **through a family member or job**. The 2022 rule applies to applications filed before September 18, 2026. The 2026 rule applies to applications filed on or after that day. Public charge does not apply to many other immigration applications.

Public charge does NOT apply if you are applying for or renewing:
DACA · TPS · Asylum · Refugee status · T visa · U visa · VAWA · Special Immigrant Juvenile (SIJ) classification · Parole · U.S. citizenship

Many immigrants can apply for green cards, and public charge does not apply. To learn more about who public charge applies to, click here.

Public charge does NOT apply if you are filing for a green card based on being a:

Refugee · Asylee · Survivor of domestic violence, trafficking, or serious crimes (VAWA, T, U) · Special Immigrant Juvenile (SIJ) · Other humanitarian immigrant

There are other situations where public charge does not apply. Get trusted legal advice.

Public charge does not apply when you renew your green card. It may apply if a green card holder leaves the U.S. for more than 180 days and then tries to return.

Which programs will the government look at in the public charge test?

The 2026 policy lets officers look at different information about your situation. It should only apply to green card applications filed on or after September 18, 2026. Officers generally should not look at benefits received before that date. For benefits received before then, officers can only look at:

- cash assistance (SSI, TANF, general assistance) or
- long-term care in an institution paid for by the government (like Medicaid for a nursing home placement).

For green card applications filed on or after September 18, 2026, officers can look at federal, state, or local programs with income rules as one part of a person's whole situation. **Using one of these programs should not automatically mean a green card will be denied.** Officers should still look at each case, including the person's age, health, income, and other facts.

Some programs are available to everyone, no matter how much money they make. These may include free vaccines, universal school lunches, or community centers. These programs should not count in the public charge test. Remember:

- **There should not be an automatic denial just because you enroll in or receive benefits.**
- **Officers should consider your whole situation.**
- **You can show the government positive facts about you, like your income, job, family support, education, health insurance, or other resources.**

We still do not know exactly how officers will make decisions. This uncertainty can feel scary. Before changing or stopping benefits, talk to a trusted immigration lawyer or legal services provider if you can.

Should I stop using my benefits?

No. The 2026 policy does not mean everyone should stop using benefits. Stopping benefits could cause your family to lose health care, food assistance, or housing. Stopping benefits may not change how public charge applies to you. If you can, talk to a trusted lawyer or legal services provider before making changes.

Will the government look at benefits or programs my family members receive?

Public charge focuses on the person applying, not their family members. A family member's benefits should not be treated as

benefits the applicant used. An officer may sometimes consider a family member's benefits when looking at the applicant's overall situation. Those benefits should not automatically decide the case. Do not stop a family member's benefits without trusted advice.

What if I want to apply for a green card soon?

If you applied for a green card in the U.S. before September 18, 2026, the 2026 policy should **not** apply to you. If you applied on or after that date, or plan to apply now, talk to a trusted immigration lawyer or legal services provider before you stop using benefits. Public charge still may not apply to you.

What if I am undocumented?

Public charge usually matters when someone is applying for a green card or trying to enter the United States. It does not apply just because someone is undocumented. Talk to a trusted immigration lawyer or legal services provider if you are not sure.

What if I need to go outside the U.S. to finish my green card process?

Public charge can also apply if you apply for a visa or green card at a U.S. consulate outside the United States. Consulates use different public charge rules. If you plan to leave the United States to finish your green card process, talk to a trusted immigration lawyer or legal services provider before you leave.

What should I do now?

Do not stop using benefits without trusted advice. First, find out whether public charge applies to you. If you are applying for a green card, a trusted immigration lawyer or legal services provider can help you understand which rules apply.

Visit https://keepyourbenefits.org/ to learn more about public benefits.

Find Legal Help

These organizations may help you find free or low-cost immigration legal help.

- Nonprofit organizations that provide low-cost help: www.immigrationlawhelp.org.
- Find immigration legal help near you: https://www.immi.org/en/Info/FindLegalHelp.
- Find an immigration lawyer using the American Immigration Lawyers Association's online directory: www.ailalawyer.com.
- Find a lawyer through the National Immigration Project's tool: https://nipnlg.org/work/find-attorney.

Get advice from a licensed lawyer or a trusted legal services provider. Be careful with advice from notarios, consultants, or document preparers. **They may not be allowed to give legal advice.**