PROTECTING IMMIGRANT FAMILIES

DOES PUBLIC CHARGE APPLY TO ME?

July 2026

WHAT IS PUBLIC CHARGE?

Public charge is an immigration policy for some people who want to get a green card (Lawful Permanent Residency status) through their family members or a visa to come to the U.S. It also applies to some people with green cards who leave the U.S. for more than six months. By law, immigration officers must look at your whole life situation to decide if you can get a green card. They look at your age, your health, and your family. They also check your income, education, and work skills. Part of this check includes whether a family member or someone else has promised to support you financially.

The public charge test looks at whether you are likely to depend on the government at any time. A new policy that will take effect on September 18, 2026 says officers can look at any type of benefits you have used that are limited to people with low incomes – but having received a benefit does not automatically make you ineligible. Because these rules are complicated, it is a good idea to talk to a lawyer before you leave the country or apply for your green card

DOES PUBLIC CHARGE APPLY TO ME?

Public Charge Does Not Apply to You if:

- You're a U.S. citizen
- You already have your green card / permanent residency and stay in the US
- You're applying for TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile (SIJ) Status
- You're applying for a green card based on having SIJ, or being an asylee or refugee, or your green card application is filed by someone who has a U or T visa
- You have no pathway to obtain a green card or you do not plan to apply for a green card in the future

Public Charge May Apply if:

- You plan to apply for a family-based green card
- You have a green card but leave the country for more than 6 months

This is not legal advice - every family's situation is different. Speak to a knowledgeable immigration attorney before submitting any immigration-related application.

WHAT IS IN THE NEW RULE?

When does the new public charge policy go into effect?

The new 2026 policy will start on September 18, 2026. Until that date, the 2022 rule is still in effect. Advocates are working hard to stop this new policy, in the courts and in Congress.

Will my use of benefits like health care or food assistance hurt my green card application? Which benefits programs?

The new policy allows immigration officials to look at many factors, including any benefits use that is based on having a low income, when making a public charge determination. The rule does not name any specific programs and allows officials to use their own judgment.

What about programs I used in the past? How far back can they look?

The new policy allows officials to count past use of cash benefits or long-term institutionalization at government expense in a current public charge determination, but not other benefits used before September 18, 2026.

What about my kids using benefits?

The new policy allows officials to consider a dependant's use of benefits in a public charge determination. Officials can also consider the applicant's economic conditions during the time their dependant used benefits.

Should I quit using benefits programs now?

If you are considering applying for a green card, the new policy allows immigration officials to consider any income-based public benefits programs you are using, as of September 18, 2026. Only you can decide what's best for your family.

What if I have a sponsor?

The policy says that your sponsor is still required to submit an affidavit of support. DHS may take it into account in the public charge determination.

I have already completed a green card application. Does the new policy apply to me?

This policy will only apply to applications submitted and postmarked after September 18, 2026.

WHERE CAN I GET MORE INFORMATION?

For more resources, go to pifcoalition.org

To find immigration assistance and legal aid resources, go to https://keepyourbenefits.org/en/na/find-help