

# PUBLIC CHARGE



## FACT SHEET

**PUBLIC CHARGE** is a rule that applies to some non-citizens when they (1) enter the United States or (2) apply for permanent residence (green card). Immigration officials use this rule to determine if a person is likely to depend on certain government programs in the future. Previous use of these benefits is only one factor in this rule. It also considers a person's current situation, health, age, employment, education, and family or sponsor's income.

### Public Charge DOES NOT Apply to Applicants for:

- U.S. Citizenship,
- Green Card Renewal,
- Asylee or Refugee Status,
- U/T Visas (For Victims of Crime or Trafficking),
- VAWA Self-Petitioners,
- Special Immigrant Juveniles (SIJ),
- Temporary Protected Status (TPS),
- DACA renewals, or
- Green Cards based on U/T/VAWA, SIJ, or Asylum Status.

### Public Benefits that count as a negative by the Public Charge rule are:

- Supplemental Security Income (SSI),
- Temporary Assistance to Needy Families (TANF),
- State or local general relief,
- Non-emergency Medicaid for people ages 21 and above - exception for pregnant women, including 60 days of post-partum coverage, and active duty U.S. military and their families,
- SNAP ("food stamps"), and
- Federal Housing Assistance - Public Housing, Section 8 Housing Choice Voucher Program, and Section 8 Project-Based Rental Assistance.

**Any benefit, program, or service not listed above is NOT CONSIDERED negatively by the Public Charge Rule.**

## IMPORTANT FACTS TO REMEMBER ABOUT PUBLIC CHARGE

- The rule DOES NOT impact all immigrants or non-citizens.
- Most Virginians who face the Public Charge Test already DO NOT qualify for the benefits that are counted negatively.
- Many programs are NOT counted in the new Test.
- The rule DOES NOT consider the use of public benefits by other family members (including children).
- This rule went into effect on February 24, 2020. Applications submitted and most Benefits used before that date are NOT subject to the rule.

**This resource is not meant to provide legal advice. Please talk to a qualified Immigration or Public Benefits attorney for your specific situation.**

**Some examples of programs that are  
NOT Considered Negatively by  
the Public Charge Rule:**

- Women, Infant, & Children Nutrition (WIC) Program
- Public Health Services, including assistance for immunization and for testing and treatment of communicable diseases
- Emergency Medicaid
- Legal Aid Services
- Medicaid for Pregnant Women
- Medicaid for Children and Young People under age 21
- FAMIS
- FAMIS Plus
- FAMIS MOMS
- Smiles for Children
- Private Health Insurance through the Health Insurance Marketplace at Healthcare.gov (including Advanced Premium Tax Credits)
- Medicare
- Ryan White HIV/AIDS Program
- Use of Federally Qualified Health Centers
- Use of Free Clinics
- School Breakfast and Lunch
- Earned Income Tax Credit (EITC)
- Pell Grants and Student Loans
- Many more - any benefit, service, or program not on the specified list will not be considered negatively by the rule

## GET THE HELP YOU NEED

### APPLYING FOR BENEFITS:

- Virginia Department of Social Services (Apply for help with food, child care, heating and cooling bills, health care, and cash assistance): 1-855-635-4370
- Cover Virginia (Apply for Medicaid, FAMIS, and help with health care): 1-855-242-8282
- Healthcare.gov (Apply for help with health care): 1-800-318-2596

### GET HELP APPLYING FOR HEALTH BENEFITS:

- Enroll Virginia Navigators (Help applying for coverage from Medicaid, FAMIS, or Healthcare.gov): 1-888-392-5132

### GET LEGAL HELP

- Virginia Legal Aid (Legal Advice on public benefits, housing, and health law): 1-866-534-5243
- National Immigration Legal Services Directory (Free or Low-cost advice about Public Charge and Immigration Law): [www.immigrationadvocates.org/nonprofit/legaldirectory/](http://www.immigrationadvocates.org/nonprofit/legaldirectory/)

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