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/

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