

Public Charge & Public Benefits

An Overview for Immigrants in NYC

What is public charge?

"Public charge" is a term used by the U.S. government. It means a person who depends on the government for certain benefits. If you are considered a public charge, that can lead to a denial of a green card, a visa, or admission into the United States.

To determine if someone is a public charge, the U.S. government looks to see if that person receives the **specific public benefits below AND it considers their income, resources, age, health, education, and skills**. If you are applying for benefits on behalf of a child or someone else, that application is not considered when determining if *you* are a public charge.

- **Supplemental Security Income (SSI)**
- **Monthly Cash Assistance** – ongoing Public Assistance payments
- **Long-term institutionalization at government expense** (covered by Medicaid)

Which public benefits are not considered in a public charge determination?

Food: SNAP, WIC, National School Lunch programs, food pantries, soup kitchens

Medical: Medicaid (except to pay for long-term institutionalization), Child Health Plus, Essential Plan, Qualified Health Plans on the Marketplace, Medicare Part D Extra Help

Housing: Section 8, Public Housing, homeless shelters, energy assistance (HEAP)

Financial: Federal financial aid and mortgage loans, Unemployment Insurance, Earned Income Tax Credit, Social Security Disability, Workers Compensation, a one-time emergency financial payment (a One-Shot Deal or emergency grant), child support

Youth: Foster care and adoption, Head Start, public school

Please note, this is not the full list. An attorney can advise on other excluded benefits.

What immigration statuses are exempt from public charge?

These are just some of the statuses that are exempt from public charge: refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, T Visa holders, U Visa applicants or holders, those applying for or granted status as a battered immigrant under the Violence Against Women Act (VAWA), and others. You can find more information on the U.S. Citizenship and Immigration Services website: <https://www.uscis.gov/policy-manual/volume-8-part-g>

In addition, public charge does not apply to lawful permanent residents (LPR), also known as green card holders, seeking to become U.S. citizens. However, LPRs who leave the country for more than six months and try to return to the U.S. may be subject to the public charge test.

You should always consult an immigration attorney if you still have questions.

Where can I get help?

Legal Resources and Information

- New York State Office for New Americans offers free legal consultation on public charge and referrals to immigration legal services providers as needed: 800-566-7636
- ActionNYC offers free immigration legal help: 800-354-0365; <https://www1.nyc.gov/site/immigrants/help/legal-services/actionnyc.page>.
- National Immigration Legal Services Directory provides information on nonprofit organizations that provide free or low-cost immigration legal services: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=NY>.
- The Immigrant Defense Project is a lawyer referral line and has resources for individuals and families: 212-725-6422; <https://www.immigrantdefenseproject.org>.
- NYC Mayor's Office of Immigrant Affairs offers free immigration legal help through a network of community-based organizations: <https://www.nyc.gov/site/immigrants/legal-resources/immigration-legal-services.page>

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<https://bplc.cssny.org/>

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