

FAQ: Public Charge and Health Coverage Programs

Some people who apply to enter or reenter the United States and/or modify their existing immigration status must go through a public charge assessment. Immigration officials consider many aspects of a person's circumstances, including but not limited to current or past use of certain public benefit programs, when completing these assessments.

The prior administration significantly changed how public charge assessments were conducted for individuals who applied for an immigration status on or after February 24, 2020. These changes created significant fear and confusion and as a result, many people have avoided using benefit programs and/or accessing health services out of fear that it would create immigration-related problems for themselves and/or their family members.

On February 2, 2021, President Biden issued an Executive Order directing federal agencies to review the public charge immigration policy among other policies that have stood in the way of immigrants and their families from accessing public benefits.

The prior administration's policy remains in place while it is under review. This resource provides answers to some frequently asked questions specifically focused on how health coverage programs are factored into public charge assessments under the current policy.

It's important to note that most people who qualify for health coverage programs identified in the current policy will never undergo a public charge assessment. Nonetheless, the public charge policy is complex, and many people who have little to fear may still be confused and/or frightened by the changes, which could lead them to unnecessarily go without benefits.

The Affordable Care Act's (ACA) Marketplace Health Insurance

Q: Will signing up for ACA marketplace health insurance with a premium tax credit and/or cost sharing reduction be negatively factored into a public charge assessment?

A: **No**, signing up for ACA marketplace health insurance with a premium tax credit and/or cost sharing reduction will not be negatively factored into a public charge assessment. And having health insurance is viewed favorably in a public charge assessment.

Children's Health Insurance Program (CHIP)

Q: Will signing up for CHIP be negatively factored into a public charge assessment?

A: **No**, signing up for CHIP will not be negatively factored into a public charge assessment for either children or adults.

Federally-Funded COVID-19 Testing, Treatment, and Vaccination for the Uninsured

Q: Will receiving federally-funded COVID-19 testing, treatment, and vaccination for people without insurance be negatively factored into a public charge assessment?

A: **No**, receiving federally-funded COVID-19 testing, treatment, and vaccination will not be negatively factored into a public charge assessment.

Medicaid

Q: Will signing up for Medicaid be negatively factored into a public charge assessment?

A: Sometimes. **But most people enrolled in Medicaid are unlikely to undergo a public charge assessment.**

U.S. citizens **do not** go through public charge assessments. People who are lawful permanent residents (LPRs, or green card holders) **do not** have to go through a public charge assessment when they apply to become United States citizens.

In addition, people with any of the following statuses **do not** have to go through a public charge assessment to become lawful permanent residents (obtain a green card):

- Asylees
- Refugees
- Special immigrant juveniles
- Certain people paroled into the U.S.
- Violence Against Women Act self-petitioners
- Victims of Criminal Activity (U Visa applicant/holder)
- Victim of Human Trafficking (T Visa applicant/holder)

And, signing up for Medicaid will **not** be negatively factored into public charge assessments for the following groups:

- People who get Medicaid when they are younger than 21
- People who get Medicaid based on pregnancy
- People in the U.S. military or Ready Reserve
- Spouses and children of people in the U.S. military or Ready Reserve

Use of Medicaid will **not** be negatively factored into a public charge assessment for people only receiving health care services for life-threatening emergencies or only getting school-based health services paid for by Medicaid.

Also, a person's spouse or child enrolling in Medicaid will **not** be negatively factored into the person's public charge assessment.

Q: Will a non-pregnant adult who enrolls in Medicaid and **is** subject to a public charge assessment fail that assessment?

A: The government must look at many factors when completing a public charge assessment, such as age, employment/skills, financial circumstances. Past and current enrollment in Medicaid for adults 21 years old and older may be considered a negative factor in the assessment, but enrollment in the benefit is only one of many aspects that must be taken into consideration in the public charge assessment.

Resources

You can find more information about public charge and other immigration policies at:

www.protectingimmigrantfamilies.org

You can find a directory of free or low-cost immigration legal services at:

www.immigrationadvocates.org/legaldirectory