

# FAQ: Public Charge

## 1. What is public charge?

Public charge is an immigration policy that is used as part of the application process for certain individuals who are seeking to change their immigration status or to immigrate to the United States. This test is used to determine if the person applying for a status is likely to become primarily dependent on the government for support, by either receiving cash assistance for income maintenance, or by being institutionalized for long-term care at government expense. Many categories of immigrants are exempt from having to go through a public charge assessment. See [here](#) for more information.

Public charge does not create eligibility restrictions for enrollment in public health insurance/coverage programs or other public benefit programs. For many decades, immigration policy has defined public charge as a person primarily dependent on the government for subsistence. Since 1999, this has been measured by use of cash assistance for income maintenance, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or “general assistance” (GA) (but not short-term cash assistance or cash assistance intended for a specific purpose) and for long-term care in an institution paid for by the government (i.e. Medicaid).

In 2019, the public charge definition was radically changed to negatively factor in participation in a broader set of benefits, including Medicaid. Those rules were challenged in court, and on March 9, 2021 the Biden Administration [decided](#) to stop defending lawsuits challenging the Trump-era public charge regulations. The 2019 rules are no longer in effect.

## 2. When did the courts begin blocking the implementation of the 2019 Department of Homeland Security public charge rules?

As of March 9, 2021, the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS) [stopped applying](#) the 2019 Public Charge Final Rule to all people applying for an immigration status. USCIS is now using the 1999 Field Guidance in assessing public charge.

The policy now in place is a return to longstanding policy that narrowly focuses on receipt of government-sponsored cash assistance for ongoing maintenance and long-term institutional care paid for by the government (such as Medicaid paying for care provided in a nursing home). **Use of programs like the Supplemental Nutrition Assistance Program (SNAP), federal housing assistance, or Medicaid will not be negatively factored into public charge assessments.**

## 3. Where can I find information regarding the new public charge rules and how it impacts access to public benefits?

The Protecting Immigrant Families campaign has published resources that detail the policy and can help provide reassurances to people who have concerns about accessing benefits due to public charge. Those resources can be found at [www.protectingimmigrantfamilies.org/know-your-rights](http://www.protectingimmigrantfamilies.org/know-your-rights)

## 4. How is participation in Medicaid considered under the public charge policy now in effect?

Participation in Medicaid is only negatively factored into a public charge assessment when it is used to pay for long-term care provided in an institution, such as a nursing home. It’s important to note that immigration officials will consider many aspects about a person including their age, resources, whether or not they have a sponsor, etc., when making a public charge assessment. No single factor – even receipt of long-term care – automatically results in a denial of an immigration application.

### 5. Can a person get Medicaid as soon as they get a green card?

Medicaid and CHIP have strict immigration-related eligibility requirements. People must have an immigration status that is considered a “qualified” immigration status, which is a narrow list of statuses that leaves out many, and many people must have that status for five years before becoming eligible. For example, people with lawful permanent resident status (green card holders) must have that status for five years before becoming eligible for Medicaid or CHIP. (See the resource below.) States have the option to provide Medicaid and CHIP to children and/or pregnant women who are lawfully residing (a far broader group of immigration status compared to the narrow “qualified” group) and this option also eliminates the five-year waiting period.

More information about eligibility based on immigration status can be found at [www.healthreformbeyondthebasics.org/key-facts-immigrant-eligibility-for-coverage-programs](http://www.healthreformbeyondthebasics.org/key-facts-immigrant-eligibility-for-coverage-programs)