
SUMMARY

10/18/99

A Quick Guide to 'Public Charge' And Receipt of Public Benefits

This guide provides a summary of how receiving public benefits in the United States may or may not affect an alien under the "public charge" provisions of the immigration laws.

■ **Aliens applying to become Lawful Permanent Residents (LPRs)** (who do not yet have a "green card") –

- An alien will not be considered a "public charge" for using:
 - HEALTH CARE BENEFITS, including programs such as Medicaid, the Children's Health Insurance Program (CHIP), prenatal care, or other free or low-cost medical care at clinics, health centers, or other settings (other than long-term care in a nursing home or similar institution)
 - FOOD PROGRAMS, such as Food Stamps, WIC (the Special Supplemental Nutrition Program for Women, Infants, and Children), school meals, or other food assistance
 - OTHER PROGRAMS THAT DO NOT GIVE CASH, such as public housing, child care, energy assistance, disaster relief, Head Start, or job training or counseling
- INS may consider an alien's use of the following in deciding whether to issue a "green card:"
 - CASH WELFARE, such as Supplemental Security Income (SSI), cash Temporary Assistance for Needy Families (TANF), and state General Assistance
 - INSTITUTIONALIZATION for long-term care, such as residing in a nursing home or mental health facility at government expense

Note: INS will not consider CASH WELFARE or NON-CASH PROGRAMS received by an alien's children or other family members for public charge purposes, unless the cash welfare is the family's only means of support.

■ Aliens who are LPRs (who already have a "green card")

- LPRs cannot lose their status (have their "green card" revoked) if they, their children, or other family members use:
 - HEALTH CARE, FOOD PROGRAMS, or other NON-CASH PROGRAMS

- CASH WELFARE (* see note below for exception)
- LONG-TERM CARE (* see note below for exception)

Notes:

* LPRs who leave the country for more than 6 months at a time can be questioned about whether they are "public charges" when they return, and the use of cash welfare or long-term care may be considered.

* In very rare circumstances, LPRs who use cash welfare or long-term care within their first 5 years in the United States for reasons (such as an illness or disability) that existed before their entry to the United States could be considered deportable as a public charge.

- REFUGEES AND PEOPLE GRANTED ASYLUM can use any public benefits, including cash welfare, health care, food programs, and other non-cash programs without hurting their chances of getting a "green card."
- SPONSORING RELATIVES – Using benefits, including cash welfare, health care, food programs, and other non-cash benefits, does not prevent citizens and LPRs from sponsoring relatives. However, sponsors must submit an Affidavit of Support showing that they have enough money (alone or with a co-sponsor) to support their relatives at 125 percent of the poverty level.
- BECOMING A NATURALIZED U.S. CITIZEN – LPRs (who already have a "green card") cannot be turned down for U.S. citizenship for lawfully receiving any public benefits for which they are eligible.

Need More Information?

For more information about "public charge" –

- Please see the INS Web site at www.ins.usdoj.gov for a fact sheet and questions and answers. Information is available in several languages under Public Affairs.

For more information about how to enroll in benefit programs –

- Please contact the appropriate federal, state or local service agency. Helpful contacts include:

For CHIP: 1-877-543-7669 (calls are free)

For Food Stamps: 1-800-221-5689 (calls are free)

For Medicaid or TANF: www.hhs.gov

For WIC: www.fns.usda.gov