

Will Applying for Government Benefits Impact my Green Card Application?

If you are not a United States citizen and wish to apply for public (government) benefits, such as Medicaid, Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), Food Stamps, or Cash Assistance (General Relief), you may be concerned about whether receiving any of these benefits could later be used against you. If you are thinking about applying to come to the U.S. legally or for permanent residency in the United States, please contact an immigration attorney before you apply for any public benefits. This fact sheet is intended as general guidance, but each immigration case is unique and there may be special considerations for your specific situation. Please note that as of January 2019, this area of immigration law is subject to change based on proposed rules by the Department of Homeland Security.

What is a “public charge”?

When you submit an application for admission to the U.S. or for permanent residency, U.S. Citizenship and Immigration Services (USCIS) will consider (among many other factors), whether you might become a “public charge.” A public charge is defined as someone who is likely to become primarily dependent on the US government for basic living needs, often because they receive government cash assistance to maintain their income or receive long-term care (such as nursing home care) paid for through government benefits. If you are seeking admission to or permanent residency in the U.S. (applying for a green card), you might be concerned about qualifying as a public charge and having your application denied, with good reason. If USCIS determines that you are likely to become a public charge, you will be deemed inadmissible into the United States and/or will have your green card application denied.

Which government benefits does USCIS consider in determining whether someone is likely to become a public charge?

USCIS does not consider all government benefits when it determines whether a person is likely to become a public charge. Receiving income in the form of cash assistance from government programs such as “General Assistance,” Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF) cash assistance, or other state or local cash assistance programs could potentially cause a non-citizen to be denied admission or a green card in the U.S. due to public charge considerations. However, receiving government benefits does not *automatically* classify you as a public charge. The following are the government benefits that USCIS reviews to determine whether a person is likely to become a public charge as of January 2019:



Supplemental Security Income (SSI)

SSI is a monthly cash benefit overseen by the Social Security Administration (SSA). SSI provides income in the form of cash benefits to people with limited income and resources who are disabled, blind, or age 65 or older. USCIS takes SSI benefits into account when determining whether a person is likely to become a public charge because the cash benefits SSI provides are intended to help very low income people maintain a certain income level (called income maintenance). On the other hand, Social Security Disability Insurance (SSDI) benefits are not considered in a public charge determination, because the funds a person receives through SSDI are a form of income replacement, based on the amount of money the person paid into Social Security over a period of time, and are not considered a form of cash assistance.

Temporary Assistance for Needy Families (TANF) cash assistance

TANF provides monthly cash benefits to very low-income families based on eligibility standards set by the states. TANF also provides some non-cash benefits, such as subsidized child care and discounts on public transportation. These non-cash benefits under TANF cannot be considered as evidence of public charge. One-time cash payments for crises (such as fires, earthquakes, or floods) also cannot be considered as evidence of public charge. However, receiving other cash benefits from TANF *can* be considered in the determination of whether a person is likely to become a public charge because the monthly cash assistance provided by TANF is a form of ongoing income maintenance.

Cash Assistance (General Relief)

Cash Assistance Programs, called “General Relief (GR)” or “General Assistance (GA)” in most states, are designed to provide relief and support to indigent (very low income) adults who are unable to support themselves and are not eligible for other public funds or assistance programs. These cash assistance programs are established and funded by each county’s own Board of Supervisors. USCIS considers receipt of cash assistance when determining whether someone is likely to become a public charge because cash assistance is also a form of income maintenance.

Medicaid

Medicaid is a federal health coverage program run by each state, which provides health coverage for people who have low income, have limited resources, and meet other eligibility requirements determined by the state. As of January 2019, simply receiving and using Medicaid benefits is usually not considered by USCIS when determining whether an individual is likely to become a public charge. However, if an individual uses Medicaid to pay for long-term care, such as care in a nursing home, then USCIS may consider those long-term care benefits in determining whether someone is likely to qualify as a public charge.

Are there any public benefits I can receive without worrying about being considered a public charge?

Yes. Each person’s situation is unique, and USCIS considers many factors when deciding to grant a person permanent legal admission to the United States or a change in immigration status. You may be able to receive certain benefits without being considered a public charge, including:

- Medicaid and other health insurance/coverage: Having any type of health insurance coverage will not (by itself) make an individual become a public charge, since health insurance or health coverage is not the same as “cash assistance.” However, as previously mentioned, USCIS considers receiving and using Medicaid specifically for long-term nursing home care to determine whether a person could become a public charge.
- Public assistance for immunizations and for testing and treatment of symptoms of communicable diseases and the use of health clinics, short-term rehabilitation services, and emergency medical services are generally not considered in the determination of public charge.
- Children’s Health Insurance Program (CHIP)
- Nutrition Programs including Food Stamps, WIC, and the National School Lunch and Breakfast Program.
- Housing Assistance: Any receipt of benefits or services under the Department of Housing and Urban Development (HUD) will not be considered by immigration officials as part of a public charge determination.
- Child care services
- Energy assistance (such as Low Income Home Energy Assistance Program (LIHEAP))
- Emergency disaster relief
- Foster care and adoption assistance
- Educational assistance, including benefits under the Head Start Act and aid for elementary, secondary, or higher education
- Job training programs
- In-kind community based programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelters

Immigration Resources

For more information about public charge, please visit:

<https://www.uscis.gov/greencard/public-charge> and/or <https://www.nilc.org/issues/economic-support/federal-guidance-on-public-charge/> .

U.S. Citizenship and Immigration Services

Call toll-free 800-375-5283.

For people who are deaf, hard of hearing or have a speech disability: TTY 800-767-1833.

<https://www.uscis.gov/about-us/contact-us>

National Immigration Law Center

<https://www.nilc.org/> or (213) 639-3900

Public Charge Fact Sheet: <https://www.nilc.org/wp-content/uploads/2015/12/public-charge-nat-2014-08-08.pdf>

National Immigration Project

(617) 227-9727

<https://www.nationalimmigrationproject.org/>

(Promotes justice and equality of treatment in all areas of immigration law, the criminal justice system, and social policies related to immigration. Areas of practice include criminal deportation defense, fighting immigration enforcement, protecting victims of crimes, and defending political rights).

National Immigration Forum

(202) 347-0040

<https://immigrationforum.org/>

(Promotes responsible federal immigration policies, addressing today's economic and national security needs, and advocates for the value of immigrants and immigration to our nation).

Immigrant Legal Resource Center

(415) 321-8542

<https://www.ilrc.org/>

(Provides civic preparation, community resources, policy advocacy, and technical assistance. Areas of expertise include: asylum, citizenship and naturalization, crimes, DACA, enforcement, family law, immigrant youth, LGBT, post-conviction relief, prosecutors, removal defense, U Visa/T Visa/VAWA).

For legal assistance with an immigration matter, please contact a local legal aid organization or your state's lawyer referral service.

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