The “public charge” rule, effective February 24, 2020, is used to decide whether a person can enter the U.S or get a green card (lawful permanent residency) through a family member. The test looks at the totality of a person’s circumstances, including income, employment, age, health, education or skills, and receipt of certain public benefits. If an immigration official decides a person is likely to become a public charge in the future, the official can deny the application for a green card, temporary visas and visa extensions.

- The new rule is currently in effect. Lawsuits challenging the rule are still pending and will determine if the rule is legal.
- The public charge inadmissibility rule does not apply to all immigrants or to all public benefits.
- Receipt of public benefits alone does not make someone a public charge.
- Benefits received by family members or other household members are NOT counted.

Who Does the Public Charge Rule Apply To?

**Applies To**

Immigrants applying to become lawful permanent residents (“green card applicants”) through:
- family petitions
- employment petitions
- Diversity Visa lottery

People applying for:
- Tourist visas
- Other non-immigrant visas (such as student visas)
- Visa extensions or change of status

**Does NOT Apply To**

**Green Card** holders, including those applying for citizenship (unless returning from traveling abroad for more than 180 days or with certain criminal convictions)

Other groups include:
- Asylees and Refugees
- U/T visas
- VAWA self-petitioners
- Special Immigrant Juvenile Status
- Certain Parolees

U.S. Citizens

Which Public Benefits do the New Public Charge Inadmissibility Rule Apply To?

**Public Benefits Included in New Public Charge Rule**

**HEALTHCARE**: Federally-funded Medicaid (with exceptions, see across)

**CASH ASSISTANCE/FOOD**: TANF, SSI, state and local cash assistance programs (such as Safety Net); SNAP (food stamps)

**HOUSING**: Section 8 and Public Housing

**Public Benefits Not Included in New Public Charge Rule**

**HEALTHCARE**: Emergency medical assistance (including Emergency Medicaid), CHIP, Medicaid for children under 21, Medicaid for pregnant women (+60 days post-partum), State-funded Medicaid (PRUCOL), Medicaid under IDEA, Medicare, Medicare Part D Low-Income Subsidy, subsidized health insurance under the Affordable Care Act (Essential Plan), ADAP, H+H Options, NYC Care

**CASH ASSISTANCE/FOOD**: WIC, national school meal programs, Head Start, tax credits, disaster relief

**HOUSING**: Certain housing assistance, energy benefits, short term shelters for the homeless and victims of DV

**ANY BENEFITS RECEIVED BY FAMILY/HOUSEHOLD MEMBERS OR ACTIVE-DUTY MILITARY AND THEIR FAMILIES**

**BENEFITS USED FOR TESTING, TREATMENT OR PREVENTION OF COVID-19 (CORONAVIRUS)**