



Fact Sheet

HOW RECEIVING PUBLIC BENEFITS MIGHT IMPACT THE PUBLIC CHARGE GROUND OF INADMISSIBILITY

This fact sheet explains the public charge inadmissibility ground, along with exemptions and services that are not considered in the public charge analysis.

WHAT IS THE PUBLIC CHARGE GROUND OF INADMISSIBILITY?

Applicants for a visa, admission, or adjustment of status must establish that they are not likely at any time to become a public charge, unless they are exempt as discussed below. This is known as the public charge ground of inadmissibility. These applicants must demonstrate that they are not likely at any time to become primarily dependent on the government for subsistence. “Primarily dependent” generally means either receiving public cash assistance for income maintenance or long-term institutionalization at government expense.

DHS makes this determination, in the totality of the circumstances, after considering the applicant’s age, health, family status, assets, resources, and financial status, education and skills, an Affidavit of Support Under Section 213A of the INA (if required), and current and past receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.

SOME NONCITIZENS ARE EXEMPT FROM THE PUBLIC CHARGE GROUND OF INADMISSIBILITY.

Noncitizens who apply for certain humanitarian immigration benefits, including, but not limited to, Violence Against Women Act (VAWA) self-petitioners, T nonimmigrants, U nonimmigrants, special immigrant juveniles, asylees, refugees, and applicants seeking Temporary Protected Status (TPS), are exempt from the public charge ground of inadmissibility.¹ Noncitizens applying for adjustment of status (a Green Card) or seeking admission based on an exempt category are also exempt from the public charge ground of inadmissibility.

Some noncitizens may be in an immigration category that is exempt from the public charge ground of inadmissibility, and they may later seek admission or adjustment of status based on a different immigration category that is subject to the public charge ground of inadmissibility. DHS will not consider any public benefits the noncitizen received while they were in the immigration category that is exempt from the public charge ground of inadmissibility.²

¹ See 8 CFR 212.23. For more information, see [8 USCIS-PM G.3\(C\)](#).

² See 8 CFR 212.22(d).

Finally, during the public charge inadmissibility determination, DHS will not consider public benefits a noncitizen received while they were in an immigration category for which they received a waiver of the public charge ground of inadmissibility.³

CERTAIN PUBLIC BENEFITS PROGRAMS ARE NOT CONSIDERED IN THE PUBLIC CHARGE INADMISSIBILITY DETERMINATION.

The public charge inadmissibility determination is prospective, meaning that DHS analyzes the likelihood that a noncitizen will become a public charge in the future. In making this determination, DHS considers any current and past receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.⁴ When making public charge inadmissibility determinations, DHS generally does not consider the receipt of noncash benefits, except for long-term institutionalization at government expense. DHS also does not consider cash benefit programs. Home and community-based services are not included in this determination.⁵

The following public benefits are not considered in the public charge inadmissibility determination:

Services related to domestic violence, sexual assault, and other forms of violence:

- ✓ Domestic violence victim advocate assistance;
- ✓ Mental health counseling;
- ✓ Rape kits;
- ✓ Sexual Assault Nurse Examinations (SANE);
- ✓ Domestic violence and rape crisis centers; and
- ✓ Transitional housing or shelters.

Housing benefits:

- ✓ Emergency shelter and transitional housing;
- ✓ Rapid rehousing assistance;
- ✓ Housing assistance under the McKinney-Vento Homeless Assistance Act; and
- ✓ Energy benefits such as the Low-Income Home Energy Assistance Program (LIHEAP).

Food-based benefits:

- ✓ Supplemental Nutrition Assistance Program (SNAP);
- ✓ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- ✓ School lunch programs;
- ✓ Child and Adult Care Food Program (CACFP); and
- ✓ Benefits under the Emergency Food Assistance Act (TEFAP).

³ See 8 CFR 212.22(d).

⁴ See 8 CFR 212.22(a)(3). Public cash assistance for income maintenance includes federal cash assistance for income maintenance under Temporary Assistance for Needy Families and Supplemental Security Income, as well as state, local, territorial, and tribal cash assistance programs. See 8 CFR 212.21(b). Long-term institutionalization at government expense includes benefits provided by Medicaid as well as state, local, and tribal benefits that provide or pay for long-term institutionalization, such as in a nursing facility or mental health institution. 8 CFR 212.21(c).

⁵ 87 Federal Register at 55521, 55472 (Sept. 9, 2022).

Healthcare-related benefits:

- ✓ Children's Health Insurance Program (CHIP);
- ✓ Medicaid (other than for long-term use of institutional services under section 1905(a) of the Social Security Act);
- ✓ Health insurance coverage through the Health Insurance Marketplace, state-based marketplaces, or the Small Business Health Options Program (SHOP) under the Affordable Care Act, and financial assistance for such coverage;
- ✓ Benefits related to immunizations or testing for communicable diseases, including COVID-19 vaccinations; and
- ✓ Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) provided by local communities or through public or private nonprofit organizations.

Childcare or education benefits:

- ✓ Attending public school;
- ✓ Childcare related services including the Childcare and Development Block Grant (CCDBG) or Childcare and Development Fund (CCDF);
- ✓ Foster care and adoption benefits;
- ✓ Student loans and home mortgage loan programs;
- ✓ Publicly funded scholarships and educational grants; and
- ✓ Educational benefits, including, but not limited to, benefits under the Head Start Act.

Federal cash payments and vouchers:

- ✓ Cash payments received by relatives (including on behalf of children);
- ✓ Cash payments that are provided for childcare assistance or other supplemental special purpose cash assistance;⁶
- ✓ Cash payments that are provided as part of pandemic or disaster relief funds, such as the American Rescue Plan Act or FEMA loss assistance;
- ✓ Transportation vouchers or other non-cash transportation services;
- ✓ Earned benefits such as Social Security retirement benefits, government pensions, veterans' benefits, and unemployment insurance;
- ✓ Child Tax Credit (CTC), or other tax-related cash benefit;
- ✓ Refugee cash assistance; and
- ✓ Stimulus checks.

RESOURCES

USCIS Policy Manual, Public Charge Ground of Inadmissibility: uscis.gov/policy-manual/volume-8-part-g

6 Generally, special purpose cash assistance is provided to support a specific purpose. This does not include programs designed to maintain a person at a minimum level of income, such as "general assistance" cash-based programs. Whether DHS may consider this type of cash assistance depends on the unique program parameters. Some examples of special purpose cash assistance include disaster assistance and pandemic-related cash relief.