



# 5 KEY THINGS TO KNOW ABOUT **PUBLIC CHARGE**

Essential facts for green card holders, undocumented immigrants,  
and people applying to sponsor a family member

**FEBRUARY 2023**

On December 23, 2022 a new rule on public charge went into effect. The new rule reinforces longstanding policies on public charge that ensure families can access health and nutrition programs and many other benefits without fear.

Not all immigrants need to worry about public charge since many are not affected and can receive any public benefit they are eligible for without consequences. Read below for more information about whether public charge affects you or your family.

## **IF YOU ARE A GREEN CARD HOLDER (LAWFUL PERMANENT RESIDENT):**

- 1.** Generally, people who already have a Permanent Resident, or “green”, card are not affected by public charge.
- 2.** There is no public charge test to renew a green card.
- 3.** Green card holders cannot be deported simply for using public benefits. It is very difficult for the government to deport a green card holder for being a “public charge.”
- 4.** Public charge could apply if a permanent resident leaves the United States for more than 180 days. It is important for green card holders to speak to a trusted immigration attorney or accredited representative before leaving the United States for more than 180 days.
- 5.** There is no public charge test to apply for citizenship. In fact, receiving certain

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benefits might qualify a person for a fee waiver to apply for citizenship. Using public benefits that you do not qualify for, or receiving funds while you are outside the country, could cause problems. Review your public benefits history with a trusted legal representative before applying for citizenship if you are concerned.

## **IF YOU ARE UNDOCUMENTED (NO LAWFUL STATUS):**

- 1.** A family member's use of public benefits is not considered in your public charge test, and your family should use all benefits they are eligible for.
- 2.** With few exceptions, your personal information will not be shared with Immigration & Customs Enforcement (ICE) when you sign-up for a benefit because there are laws and regulations that protect immigrants.
- 3.** If you are not eligible to apply for a green card now, public charge does not apply to you. Public charge only affects people who are applying for a green card through a family member or are applying for certain visas to enter the United States. Even if you plan to apply many years in the future, there is likely no reason to give up important benefits now.

### **NOTE**

*PEOPLE WHO PLAN TO APPLY FOR A GREEN CARD THROUGH A U.S. CITIZEN OR LAWFUL PERMANENT RESIDENT FAMILY MEMBER SHOULD SPEAK TO A TRUSTED IMMIGRATION ATTORNEY OR ACCREDITED REPRESENTATIVE TO RECEIVE ADVICE SPECIFIC TO THEIR SITUATION.*



- 4.** Many immigration applications do not have a public charge test.

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For example, there is no public charge test to apply for:

- ▶ Asylum
- ▶ U visa (for victims of crime)
- ▶ T visa (for victims of trafficking)
- ▶ VAWA (for certain victims of domestic violence)
- ▶ Special Immigrant Juvenile Status (for minors who have been abused, abandoned, or neglected)
- ▶ DACA
- ▶ TPS

5. Anyone who wants to submit an immigration application should work with a trusted immigration attorney or accredited representative to prepare a strong application.

## **IF YOU WANT TO SPONSOR A FAMILY MEMBER TO COME TO THE U.S.:**

1. If you are a lawful permanent resident, keep in mind there is no public charge test to renew a green card, or to lift the conditions on permanent residence (for those with 2-year green cards).
2. If you want to become a U.S. citizen in order to sponsor a family member, there is no public charge test to naturalize. You can become a U.S. citizen even if you have used benefits or need a fee waiver for your application.
3. If you are a U.S. citizen or lawful permanent resident, you can sponsor some family members and still use public benefits. If you sponsor a family member, *your relative* will have a public charge test, not you.
4. If you sponsor a family member, an immigration officer will consider things like your income, assets, and whether you have used public benefits to evaluate your ability to support the family member you are sponsoring.
5. If you are sponsoring your family member and do not have enough income to



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support your family member, you can add a second (“joint”) sponsor who has enough income to support the family member. It is important to review your financial documentation with a trusted immigration attorney or accredited representative to prepare a strong application and decide whether a joint sponsor is needed.

## EVERY FAMILY SHOULD GET A COMPREHENSIVE IMMIGRATION LEGAL SCREENING

To find free or low-cost help in your area, visit [ilrc.me/findhelp](https://ilrc.me/findhelp)

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for **FREE** immigration legal services!

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