



SEPTEMBER 2021

PUBLIC CHARGE

FIVE THINGS TO KNOW

Not everyone needs to worry about public charge. Many people are not affected by public charge and can use public benefits without consequences. Read below for more information about whether public charge affects you!

Here are five essential facts about public charge for green card holders (LPRs), undocumented immigrants, and people applying to sponsor a family member.

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

1. Generally, people who already have a 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. If a green card holder travels outside the United States for more than 180 days during one trip, the government can ask questions to see if the person is a “public charge” upon returning to the United States. 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. However, an immigration official might ask you questions about receiving public benefits to figure out if you received a benefit when you were not eligible for it. You should review your public benefits history with a trusted legal representative before applying for citizenship.

IF YOU ARE UNDOCUMENTED:

1. Federal laws and the laws and regulations governing specific benefits programs protect the personal information that you provide to public benefits agencies when applying for programs, and some states (including California) have additional protections. This means that, with very limited exceptions, when you sign up for a public benefit, your personal information will not be shared with ICE.
2. A family member’s use of public benefits is not considered in a public charge test.
3. If you are not eligible to apply for a green card now, there is no reason to give up needed benefits. Public charge only affects people who are applying for a green card through a U.S. citizen or permanent resident, or are applying for certain visas to enter the United States. If you are not applying for a green card now, even if you plan to apply many years in the future, there may be no advantage to giving up necessary 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. There are also many immigration applications that you may become eligible to submit in the future that do not have a public charge test. 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 children 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 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.
2. If you are a lawful permanent resident and want to sponsor a family member, keep in mind there is no public charge test to renew a green card, or to lift the conditions on permanent residency (for those with 2-year green cards).
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 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.
Free or low-cost help is available at immigrationadvocates.org/nonprofit/legaldirectory.