

Q. What is public charge?

A. Some people who apply for a green card (lawful permanent residence) or a visa to enter the U.S. must pass a “public charge” assessment — which looks at whether the person is likely to use certain government services in the future. In making this determination, immigration officials review all a person’s circumstances, including their age, income, health, education or skills (including English-language skills), and their sponsor’s affidavit of support or contract. They can also consider whether a person has used certain public programs.

Q. Who is subject to a public charge assessment?

A. Not all immigrants are subject to a public charge determination. For example, people with green cards are NOT subject to a public charge assessment when they apply for U.S. citizenship. Refugees, asylees, and other categories of immigrants are also exempt. This fact sheet can help immigrant clients understand if they may be subject to a public charge assessment.

Q. Can receipt of tax credits such as the Earned Income Tax Credit (EITC), the Child Tax Credit (CTC), the COVID-19 Economic Impact (stimulus) Payment, or advance premium credits under the Affordable Care Act (ACA) impact whether someone is found likely to be a public charge?

A. No. U.S. Citizenship and Immigration Services (USCIS) has been very clear that tax credits, including the EITC, CTC, and advanced premium credits under the ACA are not considered in the public charge assessment.

Q. Can getting free tax help from a Volunteer Income Tax Assistance (VITA) program impact whether someone is found likely to be a public charge?

A. No. Services like tax help from VITA are not considered in the public charge determination.

Q. Can paying taxes help immigrants show that they will not be a public charge?

A. As part of making a public charge determination, U.S. Citizenship and Immigration Services (USCIS) does not look at whether an immigrant has paid taxes. It does look at the immigrant’s total income, as reflected on their most recent tax transcript, and at who they claim as dependents. It will also ask about any nontaxable income that was not reflected on the tax form, such as child support received.

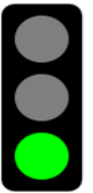
Q. Where can clients learn more about public charge?

A. General information about public charge can be found at <http://www.protectingimmigrantfamilies.org>.

Clients who need individualized legal advice can find a legal services organization offering free or low-cost help near them at <https://www.immigrationadvocates.org/legaldirectory/>.

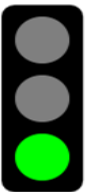
Are you and your family members U.S. citizens?

If so, public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.

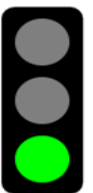


Do you and your family members already have green cards?

Public charge and any changes under the new public charge rule will NOT affect you when you renew your green card or apply to become a U.S. citizen. However, if you plan to leave the U.S. for more than 6 months, it is a good idea to talk with an immigration attorney.



Are you applying for or have one of the following statuses?: TPS, U or T Visa, asylum or refugee status, or Special Immigrant Juvenile status? The public charge assessment does NOT apply to all immigrants, including the categories listed in this question. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.



Does your family plan to apply for a green card or visa?

Only the use of cash assistance for income maintenance and receiving benefits from the federal Supplemental Nutrition Assistance Program (SNAP), Medicaid (except for emergency services, children under 21 years, pregnant women and new mothers), and certain housing programs will be considered in the public charge assessment. Your income, age, health, education, skills, family situation, and sponsor's affidavit of support will also be considered. You should talk with an expert for advice about your case before making any decisions. *For free or low-cost legal help options in your area, go to:*

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/> .

