

**Receiving food, medical, or housing assistance will not create immigration consequences.**


## WHAT IS PUBLIC CHARGE?


Public charge is a test to see if certain people applying for legal permanent residence (a green card) or for those applying or renewing for certain visas have used specific government programs. Immigration officials look at all of a person's circumstances including their **age, income, health, education and skills, family situation and their sponsor's affidavit of support.**


### Public charge **ONLY** applies to the use of:

- Ongoing cash assistance, like **TANF, GA,** and **SSI,** and
- **Long-term institutionalized care** that is paid for by Medicaid.

### Who does the public charge test apply to?

**Applying for a Green Card?**  **Yes,** the public charge test is part of this process. Speak with an immigration attorney before submitting any immigration-related application.

**Applying for Citizenship?**  **No,** the public charge test is NOT part of this process.

**Already have a Green Card?**  **No,** the public charge will NOT impact you, *unless you leave the U.S for six consecutive months.*



**There are many exceptions to the public charge test.**

### Public charge **NEVER** applies to:

- US Citizens, including the US Citizen children of immigrants.
- People with a green card (as long as they don't leave the USA for 6 consecutive months), or asylees, refugees, people with U or T visas, VAWA beneficiaries, Temporary Protected Status (TPS), SIJS, and some other immigration categories.
- A family member's use of public programs cannot affect your future immigration applications.
- The use of health, nutrition, and housing programs cannot be considered in a public charge test.

### The following programs are **NOT** a part of the public charge test:

- Medicaid (that is not long term institutional care), Emergency Medicaid, state and local health care programs, hospital financial assistance, and insurance and subsidies through BeWell
- Food assistance through SNAP, WIC, or the school lunch program, or food banks
- Rental Assistance and Public Housing, like Section 8
- Other healthcare assistance, like COVID testing, treatment, and vaccines
- Tax Credits

## QUESTIONS & CONCERNS

If you have questions about public charge related to an immigration application you already have pending or are considering, you should consult an immigration lawyer.

For questions and legal help contact the New Mexico Immigrant Law Center at [nmilc.org](http://nmilc.org) or call (505) 247-1023. Hours:

Monday: 1pm - 5pm  
Tuesday-Friday: 9am - 5pm  
(Closed 12pm for lunch)

### WHAT CHANGES CAN THE PRESIDENT MAKE TO THE PUBLIC CHARGE RULE?

The new president cannot quickly change public charge law, any proposed changes will take time, and we will have a lot of advance notice.

