Public Charge – Talking Points for Community Partners

Purpose

The following information can be used by partners to respond to questions and concerns. As a reminder, partners should not provide legal advice but should be aware of the key facts.

Key points

- Public charge does not apply to everyone. Many immigrants are exempt because of their immigration status and do not have to worry about the public charge test.
- Public charge primarily applies to people applying for Lawful Permanent Resident (LPR) status.
- On September 18, 2026, the new public charge rule change and associated federal guidance goes into effect.
- The rule change allows federal immigration officers to consider all types of mean-tested public benefits like the Oregon Health Plan, which they did not consider before.
- For immigration applications submitted on or after Sept. 18, 2026, the U.S. Department of Homeland Security (DHS) will not consider means-tested public benefits received before Sept. 18, 2026.
- The federal rule change does not change who is *eligible* for ODHS/OHA benefits. People who qualify for medical, food, or cash assistance may still apply for and use their benefits.
- People with questions about their individual circumstances should be referred to the Oregon Law Center and Legal Aid Services of **Oregon Public Benefits Hotline** at 1-800-520-5292. The hotline is open Monday, 1 - 4 p.m., Tuesday 9:30 a.m. - 12:30 p.m., Wednesday 9:30 a.m. - 12:30 p.m. and Thursday 1 - 4 p.m.

Oregon Health Authority (OHA) values

- OHA stands with the immigrant community. We will continue to advocate for the health and wellbeing of all people in our state.
- Everyone deserves access to health care.

- OHA's role as a state health agency is to protect people's health and we remain committed to doing so.

What is public charge?

- "Public charge" is part of federal U.S. immigration law. It is used to identify people who are likely to become dependent on the government for financial support at any time in the future.
- If a federal immigration official decides that someone is likely to become a "public charge," the federal government can deny that person's application to enter the United States or to become a lawful permanent resident (LPR).

When does public charge apply?

- Not everyone is subject to public charge.
- Public charge generally applies to individuals who are in the process of becoming LPRs (applying for their green card) or who are immigrating to the United States.
- This includes individuals who are applying for LPR through a family member, employer or diversity visa lottery. Public charge may also apply to LPRs who leave the United States for more than 180 days and then reenter.
- There are many pathways to applying for a green card and public charge does not apply to all pathways.

Who does public charge not apply to?

- There are many pathways to applying for a green card and public charge does not apply to all pathways. If a noncitizen is applying for a green card based on one of the immigration statuses below, they are not subject to the public charge test.
- Public charge does not apply to people applying for a green card based on:
    - Refugee Status
    - Asylee Status
    - Deferred Action for Childhood Arrivals (DACA)
    - Survivors of domestic violence, trafficking, or serious crimes (VAWA, T, or U visas)
    - Special Immigrant Juvenile Status (SIJ)
    - Amerasian immigrants at admission
    - Afghan and Iraqi interpreters or Afghan and Iraqi nationals employed by or on behalf of the U.S. government

    - Cuban and Haitian entrants at adjustment of status under section 202 of the Immigration Reform and Control Act of 1986
    - Applicants seeking adjustment under the Cuban Adjustment Act
    - Haitians who are adjusting status to lawful permanent resident under the Haitian Refugee Immigration Fairness Act of 1998
    - Other humanitarian statuses (see USCIS for complete list)
- U.S. Citizens are not directly subject to public charge determinations.

What is changing with public charge?

- The federal government has withdrawn the 2022 public charge rule, effective Sept. 18, 2026.
- Instead of relying on the 2022 rule, the federal government will instead rely on existing federal law and newly issued guidance.
- This means that any immigration application pending, filed, or postmarked on or before September 17, 2026 will be considered under the 2022 rule.
    - Under the 2022 rule, most means-tested public benefits were excluded and only cash assistance for income maintenance and long-term institutionalization at government expense were considered.
- Under the new rule change and related guidance, federal immigration officers will be able to consider a wide range of factors and make a decision at their own discretion.
- On and after Sept. 18, 2026, federal immigration officers will be able to consider many means-tested programs (where eligibility is based on income level), such as:
    - cash assistance,
    - public or assisted housing,
    - financial aid for postsecondary education,
    - food assistance,
    - government funded health coverage, like the Oregon Health Plan (OHP), or
    - any other similar benefit for which assistance or payments are provided for a person, their household, or eligible family unit.
- Previously, only benefits received by the applicant themselves counted. Now, benefits used by a family member may be taken into account if the family member is the applicant's source of financial support or the applicant is legally obligated to support the family member who is receiving the benefit.
- Additionally, federal law requires immigration officers to look at many factors such as age, household size, income and health to decide, at their discretion, whether someone is likely to become a public charge, even if they have a sponsor.

How does the new guidance affect OHP coverage?

- Under the new guidance that goes into effect September 18, 2026, Oregon Health Plan (OHP) coverage, including Healthier Oregon, could be considered during the public charge test.
- **Reminder**: Many people don't have to worry about public charge. Please share the legal support resources below to help people make informed decisions.
- For those who are subject to the public charge test, their concern is understandable as this is a change from previous guidance.
- If someone decides to close their OHP benefits due to public charge concerns:
    - OHP assisters: please follow the usual process. If you need help, reach out to the CP Focused Team or your Regional Outreach Coordinator (ROC).
    - Others:
        - Call ONE Customer Service at 800-699-9075 to report changes to OHP. You can call Monday-Friday, 7 a.m. to 6 p.m. Pacific Time. Currently hold times are lowest in the morning from 7 until 8 a.m.
        - Visit a local ODHS office. Find an office near you.
        - Most OHP members can report changes online at ONE.Oregon.gov.

Resources

- Oregon Health Authority (OHA) public charge web page: Oregon.gov/PublicCharge
- Protecting Immigrant Families Public Charge Toolkit
- Search the National Immigration Legal Services Directory for free or low-cost legal services.
- Search for a private immigration lawyer in your area.
- Some Oregon residents may qualify for free representation through Equity Corps of Oregon.

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the Office of Community Health and Engagement at community.outreach@oha.oregon.gov.