

---

# Know the Facts about Public Charge

**This fact sheet is not a substitute for legal advice.** People concerned about how public benefits might affect their immigration status should ask an immigration attorney for help.

*Last updated Dec. 19, 2022*

**As of March 9, 2021, the expanded federal public charge rule is blocked permanently. It is no longer in effect anywhere in the United States. This means:**

- Immigrants can safely get public health, nutrition and housing benefits.
- These benefits will not affect their immigration status.

**On September 8, 2022, the U.S. Department of Homeland Security issued a new rule that restores the understanding of “public charge” that was in place since 1999.**

The new rule will apply to all immigration applications filed on or after December 23, 2022. In the meantime, U.S. Citizenship and Immigration Services (USCIS) will follow President Biden’s [Executive Order 14012](#) and apply the public charge policies set forth in the [1999 Interim Field Guidance](#).

The 1999 public charge rule now applies, but remember that:

- Many noncitizens are exempt from the public charge rule.
- Most noncitizens who qualify for public benefits are exempt from the public charge rule.
- Most benefits received by a noncitizen’s children or other family members **do not** count during the noncitizen’s public charge test in the U.S.

Refer to USCIS’s [Public Charge Resources web page](#) for more information.

**The public charge rule does *not* apply to most people who qualify for public benefits.**

Certain noncitizens are exempt from the public charge rule, including but not limited to:

- Applicants seeking refugee or asylee status;
- U.S. permanent residents including those renewing their green card;
- Noncitizens seeking T (victim of human trafficking) or U (victim of criminal activity) status;
- Applicants seeking Temporary Protected Status (TPS);
- Self-petitioners under the Violence Against Women Act (VAWA);
- Special immigrant juveniles;
- Applicants seeking military parole in place (PIP).

**What public benefit programs count as public charge?**

Now, the public charge rule only considers use of these programs:

- Temporary Assistance for Needy Families (TANF, a monthly cash benefit);
- Other state, Tribal, territorial, or local cash assistance programs (“General Assistance”);
- Supplemental Security Income (SSI); and
- Government programs supporting people living in long-term care institutions, such as a nursing home or mental health facility.

## What public benefit programs *do not* count as public charge?

Many benefits, like those on the list below, are safe, and do **not** count in any public charge test:

- Oregon Health Plan (OHP) coverage for:
  - Youth younger than 21 (i.e., Medicaid, CHIP and Cover All Kids)
  - Pregnant adults (i.e., Medicaid and Citizenship Waived Medical Plus, or CWM Plus), including postpartum coverage
  - Emergency Medicaid for people ages 24-56 (i.e., CWM)
  - All other adults (i.e., Medicaid and Healthier Oregon)
- Reproductive health coverage
- Oregon MothersCare program
- Supplemental Nutrition Assistance Program (SNAP) or food stamps, including Pandemic EBT
- Public housing and Section 8 subsidized housing
- Section 8 rental assistance (e.g., housing choice vouchers)
- Women, Infants and Children (WIC) (nutrition assistance for women, infants, and children to age 5)
- COVID-19 testing, care, and vaccination
- Food from the food bank or food boxes
- Disaster or emergency assistance or benefits
- Special education services funded by the Individuals with Disabilities Education Act (IDEA) that Medicaid covers.
- School-based health services for school-aged children
- Early Head Start and Head Start/Oregon Prekindergarten
- Free and reduced School Lunch Program
- Social Security Retirement
- Medicare
- Medicare Part D Low-Income Subsidy
- Older Americans Act (OAA) programs.
- State-funded programs to aid older adults and people with disabilities (e.g., Oregon Project Independence)
- Unemployment Insurance
- Commercial health insurance premium subsidies through Oregon's Health Insurance Marketplace
- Employment Related Day Care childcare reimbursement
- *And many other health and social services programs not listed here*

**Getting public benefits alone does *not* make someone a public charge. The public charge test:**

- Looks at all the noncitizen's circumstances — not just if they are likely to use public benefits.
- As required by federal immigration law, looks at the noncitizen's
  - "Age; health; family status; assets, resources, and financial status; and education and skills,"
  - Completed Form I-864 (Affidavit of Support), filed on the noncitizen's behalf, and
  - Past or current receipt of cash assistance and government-paid long-term institutional care.

## Have questions? You're not alone. There's help.

- Call the Oregon Public Benefits Hotline at 1-800-520-5292.
- 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 at Portland Immigration Court through Equity Corps of Oregon. Learn more and seek assistance [here](#).
- Find help with other legal issues such as housing, custody, divorce, employment, victim's rights, and more with [Oregon Law Help's directory of nonprofit legal services](#) or [the Oregon State Bar's Lawyer Referral Service](#).
- Stay informed by visiting [protectingimmigrantfamilies.org](http://protectingimmigrantfamilies.org).