

Public Charge Update- March 2021

As of March 9, 2021, the 2019 public charge rule is no longer in effect. As a result, receiving public assistance like Medicaid, SNAP (food stamps), or federally-subsidized housing no longer impacts an immigrant’s application for Lawful Permanent Resident (green card) status. In addition, factors such as an immigrant’s medical history, age, income and assets, education level, family size, and English proficiency are no longer factors. Immigration officials will now apply the [1999 public charge field guidance](#), which only considers income-maintenance benefits, including SSI, TANF, and state/local cash assistance programs, as well as institutionalization for long-term care funded by the federal government.

What is public charge? Public charge is used by immigration officials to identify people who may depend on the government as their main source of support in the future. It has been part of federal immigration law since 1882.

When is public charge used? Public charge is used when a visa holder applies for Lawful Permanent Resident status (green card).

Who does public charge apply to? Immigrants seeking to adjust their status to Lawful Permanent Resident (green card). Many immigrants are exempt from public charge, including humanitarian immigrants such as refugees, asylees, domestic violence survivors, trafficking, and other serious crimes; special immigrant juveniles; and certain individuals paroled into the US. A full list can be found [here](#).

Public charge only considers public assistance received by the applicant. It does not count public benefits received by an applicant’s child or other family members.

What changed in March 2021? The 2019 public charge rule was permanently struck down. As a result, U.S. Citizenship and Immigration Services will revert to applying the public charge field guidance that has been used since 1999. The 1999 guidance is less restrictive and includes fewer public benefits.

	Current Public Charge Rule <i>(1999 Field Guidance Used As of March 9, 2021)</i>	2019 Public Charge Rule <i>(No longer in effect as of March 9, 2021)</i>
Definition of a Public Charge	A person likely to become primarily dependent on government support in the future.	A person who receives one or more public benefits for more than an aggregate of 12 months within any 36-month period. Each benefit counts toward the 12-month calculation.
Public Assistance Included	SSI; TANF; state or local cash assistance programs for income maintenance; and institutionalization for long-term care paid for by the federal government.	SSI; TANF; federal, state, or local cash benefit programs for income maintenance; Medicaid for non-pregnant adults over age 21 (other than emergency); SNAP (food stamps); Section 8 Housing Assistance under the Housing Choice Voucher Program; Section 8 Project-Based Rental Assistance; and other subsidized public housing.

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Totality of Circumstances	Not used	In addition to public assistance, it also factors in the person's medical conditions, age, income and assets, education level, family size, and English proficiency.
Who it Impacts	Visa holder who applies for Lawful Permanent Resident status (green card).	Visa holder who applies for Lawful Permanent Resident status (green card) or a Lawful Permanent Resident who lives the US for 180 days or longer.

Is public charge still in effect? Yes, public charge has been used in the immigration process since 1882. As a result of the 2019 rule being permanently struck down, immigration officials will go back to using that 1999 public charge field guidance.

Does public charge impact eligibility for public assistance? No, public charge does not impact eligibility for public assistance. Every public assistance program has its own eligibility requirements. [Learn more about Fairfax County's financial and medical assistance programs and how to apply for them.](#)

Does assistance that has been made available to support the economic impact of COVID-19 count toward public charge? No. The only public assistance that is considered in public charge is SSI, TANF, state or local cash assistance programs for income maintenance, and institutionalization for long-term care paid for by the federal government.

Where can I get more information about if public charge applies to my specific immigration status?

[Human Services Resource Guide- Organizations that Help Immigrants](#)

[FCPL Citizenship & Immigration Resources](#)