

# PUBLIC CHARGE

## FACT SHEET

*This fact sheet only applies to immigrants who receive public benefits and are trying to get a green card. Public charge does not apply to refugees, asylees, or people who have applied to be a citizen.*

### **WHAT DOES PUBLIC CHARGE MEAN?**

Public charge is a word used by the government to describe immigrants who cannot support themselves and have to get public benefits that give them cash. Public charge means you depend on the government to support you. If the government decides you are a public charge, it can affect whether you are allowed to get a green card or whether you are allowed to live in the U.S.

### **WHAT KINDS OF THINGS DOES THE GOVERNMENT LOOK AT TO DECIDE IF SOMEONE IS A PUBLIC CHARGE?**

When you try to come into the U.S. or apply for a green card, the government may ask you some questions to figure out if you will become a public charge in the future. The government will look at whether you got cash public benefits in the past, but they will also look at these other things:

- Your age;
- Your health;
- Your income;
- How big your family is;
- Your education and job skills; and
- Whether you have a sponsor who signed an affidavit of support.

For example, if you are very old with lots of health problems and a big family to support, the government is more likely to think you will be a public charge in the future. If you have some family or a sponsor in the U.S. that can help support you, or you have special skills that could get you a good job in the U.S., you should tell the government.

### **WHAT KINDS OF PUBLIC BENEFITS CAN CAUSE PUBLIC CHARGE PROBLEMS?**

The government may decide you are a public charge if you have gotten cash welfare, like **Temporary Assistance for Needy Families (TANF)** (which is called “**Family Independence**” in South Carolina) and **Supplemental Security Income (SSI)**. You may also be a public charge if you need long-term care in an institution, like a hospital or a nursing home. You can get food stamps and Women, Infants, and Children (WIC) and not be a public charge. Getting Medicaid is only a problem if you use it for a nursing home or other long-term care. There are no public charge problems with programs like housing assistance, school lunch, job training, child care, shelters, and health clinics.

### **WHAT IF OTHER MEMBERS OF MY HOUSEHOLD GET BENEFITS?**

If your children or other household members get cash benefits like TANF/Family Independence or SSI, it will not cause a public charge problem for you, unless these benefits are your family’s *only* source of income. For instance, if you have a part-time job, and your children get TANF/Family Independence or SSI benefits, you will *not* be considered a public charge because the benefits are not your family’s only source of income.

### **IF THE GOVERNMENT SAYS I AM A PUBLIC CHARGE, WHAT WILL HAPPEN TO ME?**

If the government says you are a public charge, they can stop you from entering/re-entering the U.S. or getting a green card. In some very unusual situations, the government can deport you if you become a public charge during your first five years in the U.S. You will only be deported if you got cash public benefits or long-term care because of reasons that existed before you came to the U.S., and the government has filed a lawsuit against you or your sponsor to get you to pay back those benefits. If you start getting public benefits more than 5 years after coming to the U.S., you cannot be deported for using those benefits.