Community Fact Sheet: Public Charge

Some people who apply for a green card or a visa to enter the U.S. must pass a "Public Charge" test, which is when an immigration official decides if an immigrant will likely depend on the government for support in the future for their basic needs. **A new rule on Public Charge goes into effect on September 18, 2026**. Check Oregon Law Center's website for the most up to date version of this Fact Sheet at https://oregonlawcenter.org/, and check https://pifcoalition.org/ for updates on any changes or legal challenges to the rule.

Immigrant families need to know three important things about the new public charge rule:

1 MOST PEOPLE DO NOT HAVE TO WORRY ABOUT PUBLIC CHARGE AT ALL

- Public charge does **not** apply to everyone.
- Public Charge usually only applies to people applying for LPR/green card status through a family member ("family based" petition for green card).
- If you already have a green card and are staying in the US, **Public Charge does not affect you** (not even when you renew your green card).
- If you don't have a pathway to getting a family based green card in the near future, **Public Charge does not affect you** now and may never affect you.
- If you are already a US citizen, **Public Charge does not affect you**.
- The Public Charge rule does **not** apply to many types of immigrants. **The Public Charge test does not apply to immigrants who are applying for a green card through the following "humanitarian immigrant" statuses:**

*Refugees/Asylees	* TPS applicants and holders	*SIJS (Special Immigrant Juv)
*VAWA self-petitioners	* Battered qualified immigrants	*Cuban/Haitian Entrants
*T/U visa holders	* Some parolees	*SIV for Afghan & Iraqi allies
*and more!		

SOME PUBLIC BENEFITS MAY BE CONSIDERED 2

- For an immigrant who applies for a "family based" green card before September 18, 2026, only SSI, TANF, and Long-Term Care in an Institution will be considered in their Public Charge test. Benefits received by the immigrant's family members will not count in the immigrant's Public Charge test.
- An immigrant who applies for a "family based" green card after September 18, 2026 will be subject to the new Public Charge rule. All "means tested" benefits (benefits a person is eligible for only if they have a low income) they receive, or their dependent family members receive, can be considered in their Public Charge test.

3 PUBLIC CHARGE IS NOT JUST ABOUT GOVERNMENT SERVICES

- Immigration officials must look at a person's circumstances **as a whole** when they apply the public charge test, not just whether the person used government benefit programs.
- An immigrant's health, ability to work, and financial stability are positive factors that can help immigrants in

their Public Charge test even if they used public benefit programs in the past.

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

If you are applying now or in the near future for a green card based on a family member (family based petition), consult an immigration attorney or seek legal advice about Public Charge.

- Call the Oregon Law Center and Legal Aid Services of Oregon Public Benefits Hotline at 1-800-520-5292.
- **Stay informed** and up to date about the public charge rule by visiting https://pifcoalition.org/pc .
- More detailed information about the public charge rule is available at https://pifcoalition.org/resources/library/public-charge-what-advocates-need-to-know/
- 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 immigration legal services through Equity Corps of Oregon. Learn more and seek assistance at https://equitycorps.org/ or by calling 1-888-274-7292.
- Find information about free food in Oregon at https://foodfinder.oregonfoodbank.org/ , or by calling 211.
- Find help with other legal issues such as housing, custody, divorce, employment, victim's rights, restraining orders and more with Oregon Law Help's directory of nonprofit legal services or the Oregon State Bar's Lawyer Referral Service.

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