



Understanding Public Charge

Did you or your business get emergency help for rent, food, or other expenses because of ICE activity? Public charge rules do NOT apply to this kind of help.

There were a lot of changes to immigration law in 2025. But nothing in the law about public charge or sponsor affidavits has changed! If changes happen this fact sheet will be updated.

What is public charge?

Some people who apply for a green card (Lawful Permanent Resident (LPR) status) or a visa to enter the U.S. must pass a “public charge” test. Immigration may deny your application if it decides that you will end up getting certain government benefits for a long period of time. They also look to see if a family member or another person sponsored you, and what their income and resources are.

Immigration officials look at a person’s whole situation. Things like:

- Age
- Income
- Health
- Education or skills
- Family situation



Only 2 kinds of public benefits count in the public charge test:

1. Cash assistance programs that provide ongoing payments. Examples include MFIP, SSI, and General Assistance (GA).
2. Long-term institutional care, like a nursing home that is paid for by the government.

Does public charge apply to me?



Are you a U.S. citizen?

Public charge does NOT apply to you.



Do you and your family members already have green cards?

Public charge does NOT apply to you when you renew your green card or apply to become a U.S. Citizen. You may have to pass the public charge test if you come back to the U.S. after being out of the country for at least 6 months.



Are you applying for, or do you have one of these statuses: TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?

Public charge does NOT apply to you. There are 29 categories of immigration status that are NOT considered for public charge.



Do you plan to apply for a family-based green card for yourself?

Public charge may apply to you. Talk to an immigration lawyer before submitting any applications to USCIS.

Does getting public benefits hurt my immigration status?

These public benefits, and others, DO NOT affect your immigration status and immigration application:



- Medical Assistance (MA) (except long-term care), Emergency MA, and MNCare
- CHIP funded MA, also called MA-Pregnant
- COVID testing, treatment, and vaccines



- SNAP / EBT / food stamps
- WIC
- Free or reduced school lunches
- Food banks or free meals



- Earned income tax credits
- Child tax credits



- Any housing assistance, like Section 8 and Public Housing
- Shelters

Where can I get more information or help?

Legal Aid is free and confidential, call 1(800) 292-4150

Find other agencies that may help at www.lawhelpmn.org/providers-and-clinics

For more resources, go to pifcoalition.org

To review the full USCIS overview of public charge resources, visit <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources>

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

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