Understanding Public Charge

There were a lot of changes to the law about public charge in September 2026. One thing that did not change is who Public Charge applies to. Many different types of immigrants do not have to worry about Public Charge at all.

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 depending on public benefits to pay for basic needs. 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, assets, and financial status
- Health
- Education or skills
- Family situation
- If you get public benefits now, or if you got them in the past. But just getting a public benefit does not automatically mean you are not eligible for a green card.



There is a new Public Charge rule as of September 18, 2026. It says immigration officers can look at any type of government-funded benefits for people with low incomes. If you used any of these, they can use it to decide if you are likely to become a "public charge." These rules are complicated. It is a good idea to talk to a lawyer before you leave the country or apply for your green card.

Call and get free advice from one of these numbers:

Mid-Minnesota Legal Aid – 888-354-5522

Southern Minnesota Regional Legal Services and Justice North – 877-696-6529

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.



Do you plan to travel outside the U.S. for more than 6 months?
Public charge may apply to you. Talk to an immigration lawyer before you leave the U.S.

Does getting public benefits hurt my immigration status?

First find out if public charge applies to you. If it does not, then you can get public benefits and it does not hurt your immigration status.

But if public charge does apply to you, any public benefits you use on or after September 18, 2026, can be used to decide about public charge. They can also look at your dependents benefits.

Talk to a lawyer or trusted legal expert before you apply for benefits if you have concerns about Public Charge. Call one of the numbers listed in the "What is public charge?" section above.

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 information on the September 2026 Public Charge rule, go to https://pifcoalition.org/resources/library/federal-agency-notices-on-federal-public-benefits/.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.
Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2027 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.