

Community Update - New Public Charge Rule

July 20, 2026

What is public charge and who does it apply to?

Public charge is an immigration rule that **does not apply to all immigrants**. The rule applies to some people who want to get a green card (also called “lawful permanent residency”) through their family members or a visa to come to the U.S. It also applies to some people with green cards who leave the U.S. for more than 6 months.

The public charge test looks at whether you are likely to depend on the government financially at any time. To decide this, immigration officers must look at your whole life situation. They look at your age, health, family, income, education and work skills. A new policy that will take effect on September 18, 2026 says that officers can also look at any type of benefits you have used that are limited to people with low incomes. **It is important to remember that having received a benefit does not automatically mean you can't get a green card or make you ineligible to enter the U.S.**

The public charge rule is very complicated. It is a good idea to talk with an immigration lawyer before you leave the United States or apply for a green card.

Does public charge apply to me?

Public charge **DOES NOT APPLY** to you if:

- You're a U.S. citizen
- You already have your green card/permanent residency and stay in the U.S.
- You're applying for Temporary Protected Status (“TPS”), U or T visas, asylum or refugee status, or special immigrant juvenile status (“SIJ”)
- You're applying for a green card based on being an asylee or refugee
- You're applying for a green card based on having a U or T visa or SIJ status
- You have no pathway to obtain a green card or you do not plan on applying for a green card in the future

Public charge **MAY APPLY** to you if:

- You plan to apply for a family-based green card
- You have a green card and leave the U.S. for more than 6 months

When does the new public charge policy go into effect?

The new policy will start on September 28, 2026. Until that date, the old rule is still in effect. Advocates are working hard to stop the new policy in courts and in Congress.

NOTE: This is not legal advice. Every family's situation is different. Speak to an experienced immigration attorney before submitting any immigration-related application or leaving the U.S.

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Will my use of benefits like MassHealth or SNAP hurt my green card application?

The new policy allows immigration officials to look at many factors when making a public charge decision, including the use of any benefits that are based on having a low income. The rule does not name any specific programs and allows officials to use their own judgment.

What about programs I used in the past? How far back can they look?

The new policy allows officials to look at past use of cash benefits (like TAFDC, EAEDC and SSI) and long-term institutionalization at government expense, but not other benefits used prior to September 18, 2026.

What about my kids? Can they use benefits?

The new policy allows officials to consider a child's use of benefits in making a public charge decision. Officials can also consider the applicant's financial situation during the time their dependent used benefits.

Should I quit using benefits programs now?

Before taking any action, speak with an experienced immigration attorney to make sure the public charge test applies to you. If it does, it is important to know that the new rule allows immigration officials to consider any income-tested benefits that you are using as of September 18, 2026. Only you can decide what is best for your family.

What if I have a sponsor?

Your sponsor is still required to submit an affidavit of support. This will be considered by the government when making a public charge decision in your case.

I submitted my green card application already. Does the new rule apply to me?

The new policy only applies to applications submitted and postmarked after September 18, 2026.

Where can I get more information?

- To learn more, go to pifcoalition.org.
- To find immigration assistance and legal aid resources, go to:
 - <https://keepyourbenefits.org/en/na/find-help>
 - [MassLRF.org](https://masslrf.org)
 - [AILALawyer.com](https://aillawyer.com)

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