



Upcoming Changes to Public Charge

Note: This information is for general educational purposes and is not legal advice.

Changes to the public charge rule were published on July 20, 2026. **Right now, the earliest the proposed changes can take effect is September 18, 2026.** Please note, that date could change if a court delays or blocks the rule.

We will update all resources with relevant information as guidance on how these proposed changes will be implemented is released.



For more information, and to get connected to trusted legal services, please call MOIA's free and confidential Immigration Legal Support Hotline at **1-800-354-0365.**

1. What does the term "public charge" mean?



"Public charge" is a decision the federal government may make when a person is applying for a green card and/or certain visas. As one part of this decision, the federal government considers certain public benefits an immigrant has received.

In addition, the federal government considers other factors like your age, health, family status, household income, financial status, and your education and skills.



A "public charge" has been generally understood to mean someone who is primarily dependent on the federal government for basic needs.



If the federal government determines you are a "public charge," they could deny your green card/visa.



**The public charge test does not apply to all immigrants.
For more information, go to section 5.**

2. Potential changes to the public charge review process:

At this time, do not stop using the public benefits or City services you need without speaking with a trusted legal provider.

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Interpretation services are available in 200+ languages.

Current Rule	The New Rule
Currently, the federal government only considers the receipt of certain types of cash assistance, including Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF), and government-funded institutionalization for long-term care, like a nursing home, to make a decision on whether you are a "public charge."	• This new rule has not gone into effect. If the changes go into effect, the federal government will be able to consider the use of any federal, state, or local "means-tested" public benefits when reviewing your application for a green card/visa. • The federal government generally understands "means-tested" public benefits to refer to programs or benefits where your eligibility is based on your individual or family income. • The federal government may continue to consider factors like your age, health, family status, household income, financial status, and your education and skills, in a public charge analysis.

The federal government plans to release additional guidance on how they will implement this rule. This guidance has not yet been released. We will update all resources with relevant information as it becomes available.

3. If I've received benefits in the past but don't receive them today, could the new process affect me?

- The federal government can consider the use of cash benefits or long-term institutionalization at the government's expense in their public charge analysis, **regardless of when you received the benefit/assistance.**
- The new rule will not allow the government to consider **the past use of most other public benefits received before the rule went into effect.**
- If you are currently receiving a "means-tested public benefit" (as explained in section 2), the federal government may only consider those benefits as part of its public charge analysis **if you continue to receive them after the rule takes effect.** This date can be as early as September 18, 2026, but may be subject to change.

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4. If my child or family member have received or are receiving public benefits, can those count against me?

- The new policy does not allow officials to base a public charge determination ONLY on your dependent's use of benefits.
- Officials may still consider your household income during the time your dependent used or received benefits.
- We will update this resource as we learn more information about how the federal government will assess the use of benefits by your dependents.
- At this time, do not stop using the public benefits or City services you or your family member need without speaking with a trusted legal provider.

5. Who does this rule apply to? Who does this rule not apply to?



The public charge rule does not apply to:

- ✗ People who already have a green card and are renewing it;
- ✗ People applying for U.S. citizenship;
- ✗ U.S. citizens, including the U.S. citizen children of immigrants;
- ✗ People applying for a green card through certain humanitarian protections, such as asylum, refugee status, T visas (victims of human trafficking), U visas (victims of certain crimes), Violence Against Women Act (VAWA) self-petitioners, members of the U.S. Armed Force and their dependents, and youth with Special Immigrant Juvenile Status



The public charge rule does apply to:

- ✓ People applying for green cards and/or certain visas including but not limited to:
- ✓ Family-Based (certain relatives of U.S. citizens, certain relatives of Legal Permanent Residents (LPRs))
- ✓ Employment-Based (priority workers, skilled workers, professionals, other workers)
- ✓ Diversity visa immigrants and S visas (witness/informant)

People in this category should seek immediate legal advice, including at the MOIA Immigration Legal Support Hotline at 1-800-354-0365.

Beware of Immigration Legal Services Fraud

Beware of misinformation and rumors, as fraudulent activity increases during times of legal uncertainty. Public notaries and other legal service providers have sometimes provided incorrect advice or defrauded those seeking help during these times.

Regardless of your immigration status, you have rights. If you see a scam, visit nyc.gov/consumers or call 311 to file a complaint with the Department of Consumer and Worker Protection. Interpretation services are available.

Know the Red Flags

Consider the following red flags, which are common indicators that you may be encountering an immigration scam. When the person you meet with:

- ▶ Gives legal advice but isn't a lawyer
- ▶ Won't meet in person
- ▶ Only accepts Paypal, Venmo or Cash App
- ▶ Charges for free government forms
- ▶ Won't sign a contract
- ▶ Promises fast results
- ▶ Tells you to sign blank forms

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