



Fact Sheet

October 18, 2000

Massachusetts Edition

A QUICK GUIDE TO 'PUBLIC CHARGE' AND RECEIPT OF PUBLIC BENEFITS

This guide provides a summary of how receiving public benefits in the United States may or may not affect an alien under the "public charge" provisions of the immigration laws.

• **Aliens applying to become Lawful Permanent Residents (LPRs) (who do not yet have a "green card") –**

- An alien will **not** be considered a "public charge" for using:
 - **HEALTH CARE BENEFITS**, including programs such as MassHealth, the Children's Medical Security Plan, Healthy Start, or other free or low-cost medical care at clinics, health centers or other settings (other than long-term care in a nursing home or similar institution)
 - **FOOD PROGRAMS**, such as Food Stamps, WIC (the Special Supplemental Nutrition Program for Women, Infants, and Children), school meals or other food assistance
 - **OTHER PROGRAMS THAT DO NOT GIVE CASH**, such as public housing, child care, energy assistance, disaster relief, Head Start or job training or counseling
- INS **may consider** an alien's use of the following in deciding whether to issue a "green card":

– **CASH WELFARE**, such as Supplemental Security Income (SSI); cash Transitional Aid to Families With Dependent Children (TAFDC); and Emergency Aid to the Elderly, Disabled and Children (EAEDC)

– **INSTITUTIONALIZATION** for long-term care, such as residing in a nursing home or mental health facility at government expense

Note: INS will not consider **CASH WELFARE** or **NON-CASH PROGRAMS** received by an alien's children or other family members for public charge purposes, **unless the cash welfare is the family's only means of support.**

• **Aliens who are LPRs (who already have a "green card")** –

• LPRs cannot lose their status (have their "green card" revoked) if they, their children or other family members use:

– **HEALTH CARE, FOOD PROGRAMS** or other **NON-CASH PROGRAMS**

– **CASH WELFARE** (* see note below for exception)

– **LONG-TERM CARE** (* see note below for exception)

Notes:

* LPRs who **leave the country for more than 6 months** at a time can be questioned about whether they are "public charges" when they return, and the use of cash welfare or long-term care may be considered.

* In very rare circumstances, LPRs who use cash welfare or long-term care within their **first 5 years** in the United States for reasons (such as an illness or disability) that existed before their entry to the United States could be considered deportable as a public charge.

• **REFUGEES AND PEOPLE GRANTED ASYLUM** can use any public benefits, including cash welfare, health care, food programs and other non-cash programs without hurting their chances of getting a "green card."

• **SPONSORING RELATIVES** – Using benefits, including cash welfare, health care, food programs and other non-cash benefits, does not prevent citizens and LPRs from sponsoring relatives. However, sponsors must submit an Affidavit of Support showing that they have enough money (alone or with a co-sponsor) to support their relatives at 125 percent of the poverty level.

• **BECOMING A NATURALIZED U.S. CITIZEN** – LPRs (who already have a "green card") cannot be turned down for U.S. citizenship for lawfully receiving any public benefits for which they are eligible.

Need More Information?

For more information about "public charge" –

- Please see the INS Web site at www.ins.usdoj.gov for a fact sheet and questions and answers. Information is available in several languages under Public Affairs.

For more information about how to enroll in benefit programs –

- Please contact the appropriate federal, state or local service agency. Calls are free. Helpful contacts include:

For Healthy Start: 1-800-531-2229

For Food Stamps: 1-800-645-8333
1-800-249-2007

For WIC: 1-800-942-1007

For MassHealth: 1-800-841-2900
1-800-531-2229

For Children's Medical Security Plan: 1-800-909-2677
1-800-531-2229

For TAFDC or EAEDC: 1-800-249-2007