

Public Charge FAQs for Assistors

4/26/2021

1. What is the Public Charge test?

The Public Charge test is a test to see if someone is likely to become dependent on the government. It is one (1) factor taken into consideration, during the Green Card (Permanent Resident Card) application process. Benefits that are considered under this test are:

1. Cash assistance (SSI, TANF, Safety Net Assistance)
2. Institutionalization for long-term care (funded through Medicaid)

Using the two (2) identified government benefits above does not automatically make you a public charge. The government looks at multiple factors.

The Public Charge test is not used for Refugees and Asylees, Victims of trafficking (T visas), Victims of domestic violence or other serious crimes (U visas and VAWA self-petitioners), Special Immigrant Juveniles (SIJS), and some other immigrants

2. Does enrolling in free or low-cost health insurance make me a Public Charge?

No. Health insurance coverage is no longer a factor in the Public Charge test.

3. Does enrollment in Medicaid make me a public charge?

No. Health insurance coverage is no longer a factor in the Public Charge test.

4. My children have Medicaid, will that make me a Public Charge?

No. Enrollment of children or other family members in Medicaid does not count as a factor in a Public Charge test.

5. I have Emergency Medicaid. Will using my coverage make me a Public Charge?

No. Emergency Medicaid is not a factor in a Public Charge test.

6. Does the Public Charge rule mean immigrants cannot get health insurance through a NY State of Health Account?

No. The Public Charge rule does not change the eligibility rules for health insurance, and you can still get health insurance through NYSOH if you otherwise qualify.

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8. If consumers still have questions related to health coverage (or other benefits) and their immigration status, and they seem concerned about Public Charge, how can an Assistor help?

Advise them that they can be connected to confidential, free or low-cost, high-quality legal representation/counseling services:

- **For NYC Residents:** The Legal Aid Society (1-844-955-3425) or New York State Office for New Americans (1-800-566-7636).
- **For non-NYC Residents:** New York State Office for New Americans (1-800-566-7636).