

# Public Charge & SNAP: What You Need to Know

You might be hearing about the Department of Homeland Security (DHS) public charge rule that goes into effect on February 24, 2020. Here are some basics on the public charge rule and how it may affect the Supplemental Nutrition Assistance Program (SNAP) and other food programs.

**This resource does not constitute legal advice and is not a replacement for help from an immigration attorney. To find an attorney, visit: [ImmigrationHelp.org](http://ImmigrationHelp.org).**

## What is public charge?

Some people who apply for a green card (lawful permanent residence) or a visa to enter or remain in the U.S. must pass a “public charge” test – which looks at whether the person is likely to use certain government services in the future. In making this determination, immigration officials review all of a person’s circumstances, including their age, income, health, education, ability to speak English, or skills, and their sponsor’s affidavit of support. They can also consider whether a person has used certain public benefits.

Beginning February 24, 2020, additional public benefits can be looked at under the DHS public charge rule. The Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”) is one of those benefits.

## What are the basics of public charge and SNAP?

SNAP can help eligible families put food on the table. Only certain non-citizens are eligible for SNAP, such as asylees, refugees, and some green card holders. *Almost all immigrants who are subject to the new public charge rule are not even eligible for SNAP.*

Parents who are not eligible for SNAP can apply for their eligible children, such as U.S. citizen children. Children’s use of SNAP will not be counted against a parent in a DHS public charge test.

## Does the DHS public charge test apply to other food and nutrition programs?

No, the DHS public charge test cannot look at any other food and nutrition programs. WIC, school breakfast and lunch, afterschool, summer, child care, congregate and home-delivered meals, and food bank programs will not be counted in the DHS public charge test.

# Please read all scenarios

If you and your family have green cards (lawful permanent residency).



The public charge rule does not apply, unless a person with a green card leaves the U.S. for more than six months. If you or family members plan to leave the U.S., consult a lawyer.



The public charge rule does NOT apply for green card renewals.



The public charge rule does NOT apply when applying for citizenship (naturalizing).

If you and your family are applying for or already have one of the following status:

- U.S. Citizenship,
- T or U visas,
- asylee,
- refugee,
- special immigrant juvenile, or
- VAWA self petitioner.



The public charge rule does NOT apply.

If you or your family member plan to:

- apply for a green card,
- apply for a visa, or
- renew a visa.



Consult an immigration attorney. The public charge rule may apply for applications coming from inside and outside the U.S.