

FAQ: Public Charge and Health Coverage Programs

Some people who apply to enter or reenter the United States and/or modify their existing immigration status must go through a public charge assessment. Immigration officials consider many aspects of a person's circumstances, including but not limited to current or past use of certain public benefit programs, when completing these assessments.

The Department of Homeland Security (DHS) and the Department of State created a new set of policies significantly changing how they conduct this assessment. These changes are scheduled to be implemented for individuals applying for an immigration status on or after February 24, 2020.

Most people who qualify for health coverage programs identified in the new policy will never undergo a public charge assessment. Nonetheless, the new policies are complex, and many people who have little to fear may still be confused and/or frightened by the changes, which could lead them to unnecessarily go without benefits.

This resource provides answers to some frequently asked questions specifically focused on how health coverage programs are factored into public charge assessments under the new policies.

The Affordable Care Act's (ACA) Marketplace Health Insurance

Q: Will signing up for ACA marketplace health insurance with a premium tax credit and/or cost sharing reduction be negatively factored into a public charge assessment?

A: **No**, signing up for ACA marketplace health insurance with a premium tax credit and/or cost sharing reduction will not be negatively factored into a public charge assessment. And having health insurance is viewed favorably in a public charge assessment.

Children's Health Insurance Program (CHIP)

Q: Will signing up for CHIP be negatively factored into a public charge assessment?

A: **No**, signing up for CHIP will not be negatively factored into a public charge assessment for either children or adults.

Medicaid

Q: Will signing up for Medicaid be negatively factored into a public charge assessment?

A: Sometimes. **But most people enrolled in Medicaid are unlikely to undergo a public charge assessment.**

U. S. citizens **do not** go through public charge assessments. People who are lawful permanent residents (LPRs, or green card holders) **do not** have to go through a public charge assessment when they apply to become U.S. citizens.

Medicaid (Cont.)

In addition, people with any of the following statuses **do not** have to go through a public charge assessment to become lawful permanent residents (obtain a green card):

- Asylees
- Refugees
- Special immigrant juveniles
- Certain people paroled into the United States
- Violence Against Women Act self-petitioners
- Victims of Criminal Activity (U Visa applicant/holder)
- Victims of Human Trafficking (T Visa applicant/holder)

And, signing up for Medicaid will **not** be negatively factored into public charge assessments for the following groups:

- People who get Medicaid when they are younger than 21
- People who get Medicaid based on pregnancy
- People in the U.S. military or Ready Reserve
- Spouses and children of people in the U.S. military or Ready Reserve

Use of Medicaid will **not** be negatively factored into a public charge assessment for people only receiving health care services for life-threatening emergencies or only getting school-based health services paid for by Medicaid.

Also, a person's spouse or child enrolling in Medicaid will **not** be negatively factored into the person's public charge assessment.

Q: Will a non-pregnant adult who enrolls in Medicaid and is subject to a public charge assessment fail that assessment?

A: The government must look at many factors when completing a public charge assessment, such as age, employment/skills, financial circumstances. Past and current enrollment in Medicaid for adults 21 years old and older may be considered a negative factor in the assessment, but enrollment in the benefit is only one of many aspects that must be taken into consideration in the public charge assessment.

Resources

You can find more information about public charge and other immigration policies at:

www.protectingimmigrantfamilies.org

You can find a directory of free or low-cost immigration legal services at:

www.immigrationadvocates.org/legaldirectory