



FROM THE OFFICES OF
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Office for Refugees and Immigrants and Office of the Attorney General

The Federal “Public Charge” Rule Information for Immigrants

The U.S. Department of Homeland Security (DHS) announced that it will change the way it conducts “public charge” review, beginning on **September 18, 2026**.

Because of these changes, immigration officers will be able to consider **more types of public benefits** when making a public charge decision. We explain the new rule changes below.

It is important to understand – **many immigrants are NOT subject to public charge**. It does not apply to all immigrants. Public charge is often misunderstood. Before making decisions about benefits, make sure you know if public charge applies to you. See **Table 1** below.

Please remember, this document is intended for informational purposes only and is not legal advice. If you think the public charge rule may apply to you, please consult a qualified immigration lawyer. Legal resources are included at the end of this page.

What is Public Charge?

In federal immigration law, public charge is part of the application for some visas and for green cards based on a family petition or employer. If the public charge review applies, the immigration officer decides how likely the immigrant is to need public benefits as a major source of support in the future. Immigration officers can deny a visa, family-based or employment-based green-card application if they decide the applicant is likely to become a public charge.

For many immigrants, the public charge review will **never** apply to them. If an immigrant is a refugee, asylum holder and many other categories, they are exempt from public charge review. Exclusions from public charge are explained in more detail below.

What is changing about Public Charge?

USCIS announced major changes to the public charge review that will start for applications sent to USCIS on or after September 18, 2026.

Under the **new rule**, immigration officers will conduct a much deeper review of the immigrant’s circumstances in the US. This review is called a “totality of circumstances” review, and officers will consider the applicant’s work history, age, health, whether the applicant used public benefits, and other factors, to decide whether the applicant is likely to become a public charge in their future in the US.

Under the **prior rule**, immigration officers could only look at two types of benefits: long-term institutionalization or cash assistance (like SSI, EAEDC and TAFDC). Under the new rule, they



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may look at any “means-tested” benefit – which is any benefits based on having a low income or assets being below a certain level. This means starting September 18, 2026, immigration officers may consider many benefit types, like MassHealth, SNAP and means-tested housing assistance, and deny someone’s immigration application because they are likely to become a public charge.

Who does Public Charge apply to?

Under federal law, immigration officers may only conduct a public charge review for immigrants applying for a green card or visa based upon family relationships, work-based petitions or entrance from overseas on a visa. **Many immigrants are exempt or are unlikely to face a public charge review. Before making decisions about benefits or immigration plans – make sure you know if public charge applies.**

TABLE 1

Public charge review will likely apply to applications for admission and green card applications for:	Public charge review SHOULD NOT apply to applications for admission, applications for an immigration status or green card applications for:
Family-based petitions (both inside and outside the country) For example, your green card application is based upon your mother’s status as a US citizen.	- Refugees - Asylees - Special Immigrant Visa applicants - U-Visa holders
Employer-based petitions filed within the U.S. or from overseas	- T-Visa holders - Individuals applying under the Violence Against Women Act (VAWA)
Immigrants applying to extend or change their nonimmigrant visa status in the US	Special Immigrant Juveniles (SIJ)
People who have lived in the U.S. and must leave the U.S. in order to adjust their immigration status and they intend to return through a family or employment based green card petition.	- Applications for Citizenship - Applications for Temporary Protected Status (TPS)
People applying for both immigrant and non-immigrant visas to the U.S. from outside the U.S.	- Applications for parole-based admissions - Deferred action
	*This is a partial list only, for the purpose of providing examples. Additional statuses are exempt as defined by federal immigration law.



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A public charge review may occur during any adjustment of status evaluation based upon family relationships and work-based petitions, even if the applicant previously held an exempt status. For example, if a person granted asylum marries a United States citizen and seeks a green card based on that marriage (rather than their own asylee status), they may be subject to a public charge review during the green card application process even though asylees are exempt from a public charge review. But if an asylee seeks a green card on their own asylee status, a public charge review could not occur.

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Frequently Asked Questions

What Public Benefits Are Subject to Public Charge Review?

Under the new public charge rule, many public benefits can be considered, such as MassHealth, SNAP, housing assistance, as well as cash benefits like SSI, EAEDC and TAFDC. Under prior rule, only cash benefits and long-term care benefits can be considered.

What does the federal government look at during a public charge review for green card applications?

Under the new rule, USCIS officers will have wide discretion to make public charge determinations. USCIS officers may consider an applicant's age, health, family status, assets, resources, financial status, education and skills. Officers may also review the applicant's receipt of any income-based public benefits (like housing assistance, MassHealth and SNAP). They may also consider an applicant's affidavit of support (an I-864). The applicant's employment history, prospective earnings, assets and similar factors may also be considered.

USCIS stated there is no "bright-line" test – and no one factor will determine an outcome, except if an I-864 affidavit of support is required and missing.

Does the public charge rule apply to me?

The public charge rule only applies to applicants for certain types of visas and green cards, specifically employment based and family based green card applications. If you are not sure whether the rule applies to you, you should consult a qualified immigration lawyer. **Table 1** above gives more information about who is impacted by the rule.

Does this new rule mean I am no longer eligible for public benefits, like SNAP, MassHealth, or housing assistance?

No. The new rule does not impact eligibility for public benefits, like SNAP. You do not have to take any action to continue to receive public benefits if you are currently receiving them.



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I receive public benefits, like SNAP, MassHealth, or housing assistance. Should I stop?

Before you make any decisions about benefits that your family may need – make sure you understand if this rule change will make any difference for you. For a list of legal resources see below.

When does the rule become effective?

The new public charge rule is effective on September 18, 2026. It will apply to applications postmarked or electronically submitted on or after September 18, 2026. Applications submitted before September 18, 2026, will be considered under the prior rule (see further detail in question below).

According to USCIS guidance, public benefits received before September 18, 2026, will be considered under the restrictions set forth under the prior rule, and USCIS officers may only consider long-term institutionalization or cash assistance (like SSI, EAEDC and TAFDC). However, if the immigrant continues to receive public benefits that started before September 18, 2026, and continue after that date, USCIS can consider any benefits under the new rule.

If I sent in my green card application already, and USCIS has not yet reviewed it, will this new rule impact the USCIS review?

USCIS has confirmed that all green card applications submitted *before* the new rule's effective date (September 18, 2026), will be reviewed under the prior rule. The prior rule limited public charge review to two types of benefits: long-term institutionalization or cash assistance (like SSI, EAEDC and TAFDC). However, if you continue to receive income-based benefits after September 18, 2026, USCIS may consider those benefits in their determination.

What about my kids using benefits?

Under the new rule, USCIS may consider public benefits received by family members during the public charge review, if the benefits were based on the income of the parents. However, this analysis is quite complicated. We recommend you speak with an experienced immigration attorney.

Will USCIS consider the benefits listed below under the new rule?

- SNAP or other income-based food assistance
- MassHealth (Medicaid)
- Housing assistance – state-funded or federally-funded (e.g. Section 8, public housing)
- Other income-based benefits.



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Yes, it is possible that your use of the above benefits could be considered to establish public charge for applications reviewed under the new rule. However, even though these benefits may be considered – USCIS will need to review your whole situation when making a public charge determination. If you are concerned about how benefits might affect you, you should reach out to an experienced immigration attorney to evaluate your eligibility and present your case.

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Legal & Community Resources

The following legal directories may be helpful in finding a lawyer that specializes in immigration law:

- The [American Immigration Lawyers Association](#) has a drop-down menu for lawyers that specialize in business immigration
- [Boston Bar Association Lawyer Referral Service](#)
- [Massachusetts Bar Association's Lawyer Referral Service](#)
- Massachusetts Immigrant and Refugee Advocate HelpLine: (508) 293-1871 (for referral to attorneys and other immigration assistance)

Community resources and more information around public charge are available at:

- MIRA Coalition: [Public Charge Rule - New Community Update](#)

For more information about the Commonwealth's efforts, please visit [mass.gov/community resource-toolkit](https://mass.gov/community-resource-toolkit) or contact the Office for Refugees and Immigrants at ori.inbox@mass.gov.

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Remember: The public charge does not apply to many types of status adjustments or applications. You should talk to an experienced immigration lawyer before making changes to your benefits or immigration plans based on the new public charge rule.