

What Social Workers Need to Know About the Public...

What Social Workers Need to Know About the Public Charge Rule

A new federal public charge rule takes effect September 18, 2026, replacing the 2022 rule. It does not apply to every immigrant client, but it is likely to create fear that leads immigrants to stop accessing benefits they need and are entitled to. You can use this page as guidance but always refer to legal counsel for case-specific advice.

Definitions:

Public charge: in U.S. immigration law, this is a term used to describe a person who is applying to enter the U.S. or to stay in the U.S. legally who the government believes is likely to depend mainly on public benefits for support. If someone is found to be a “public charge”, their immigration application may be denied. In some cases, immigrants already in the U.S. may also face serious immigration consequences, such as deportation.

Lawful Permanent Resident status (LPR): Sometimes called “green card,” is a permanent immigration status that allows a person to live and work in the U.S. indefinitely and legally. It is a required step toward U.S. citizenship. People can apply for LPR status through a family member, an employer, humanitarian protections, and other paths.

What will change after September 18, 2026?

- The new rule will replace the 2022 rule, which offered a clear definition of “public charge” and identified the specific benefits considered under that definition.
- The new rule removes both the definition and the benefit list, leaving immigration officers without clear guidance on which benefits they may consider when making a decision about a person eligibility to enter or stay in the U.S. legally.

Who does public charge apply to?

- Public charge applies only to people who are directly filing for LPR status. This includes many people who apply through a family member or job.
- It can apply to LPR (green card) renewals under certain circumstances (e.g. they've been outside the U.S. for more than 180 days or are returning with certain criminal history).
- Does NOT apply to LPR filings based on status as:
 - Refugee
 - Asylee
 - Survivors of domestic violence (VAWA), trafficking (T Visa), or serious crimes in the U.S (U Visa)
 - Special Immigrant Visas (SIJ)
 - Other humanitarian immigrants
- Does NOT apply when applying for or renewing:
 - DACA
 - Temporary Protected Status (TPS)
 - Asylum
 - Refugee status
 - T visa
 - U visa

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- VAWA
- SIJ classification
- Parole
- U.S. citizenship

Practice guidance

- No single benefit automatically triggers denial (SNAP, Medicaid, etc.).
- Universal programs (free vaccines, community centers) are not counted.
- A family member's use of benefits **can** be used against someone in a public charge determination (updated from USCIS guidance issued in August 2026).
- Encourage clients to get individualized legal advice from a trusted immigration lawyer or legal service provider before dropping needed benefits out of fear. Losing health care, food, or housing support can cause real harm.
- Encourage clients with LPR status (green card) to seek legal advice from a trusted immigration lawyer or legal service provider before leaving the country.
- Encourage clients to avoid notarios/document preparers for legal advice as most are not licensed to provide legal advice.
- If a client is unsure whether public charge applies to them or their family member, refer them to a trusted immigration lawyer or legal service provider rather than guess.

Immigration Legal Resources

Nonprofit organizations that provide low-cost help can be found at www.immigrationlawhelp.org.

The immigration courts have a list of lawyers and organizations that provide free legal services: www.justice.gov/eoir/list-pro-bono-legal-service-providers-map.

Search for immigration legal help near you: <https://www.immi.org/en/Info/FindLegalHelp>.

Search for an immigration lawyer using the American Immigration Lawyers Association's online directory: www.aialawyer.com.

The National Immigration Project of the National Lawyers Guild also has an online find-a-lawyer tool: <https://nipnlg.org/work/find-attorney>.

This is not legal advice — refer clients to a licensed immigration attorney or accredited legal services provider for case-specific guidance.

Guidance is still evolving. Check back with legal partners as the government issues more detail before the September 18, 2026 effective date.

Adapted for social work practice from the [National Immigration Law Center fact sheet, "Public Charge: What You Need to Know."](#)

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