

Public Charge

Frequently Asked Questions

1. If a couple's child is getting SSI and the father is waiting for green card, will this affect his public charge test?

No. Family member's benefits do not count towards an individual's determination for public charge.

2. If a client is now applying for lawful permanent residence (LPR) and previously had Apple Health Pregnancy Medical, do those benefits count in their public charge test?

No. Regardless of age, pregnancy coverage is exempt and does not apply when an individual is seeking a change in status.

3. What information must assisters enter in the application for insurance coverage?

Assisters must enter all information into the application exactly as the client reported it. Failure to do so could have future impacts to a clients who intends to renew or seek a change in their immigration status. Intentional misreporting is insurance fraud and may result in severe monetary penalties for all those involved.

4. Are not lawfully present children that receive Apple Health for Kids and later want to apply for lawful presence exempt from the public charge?

No. Receipt of Medicaid by children under age 21 will not be considered in public charge determinations.

5. Are individuals that are applying for lawful permanent residency subject to the charge test?

Yes, unless they have an exempt status, they are subject to the public charge test. Exempt programs will not count towards the public charge test but other non-exempt programs a person may receive will count.



6. Why are clients subject to the public charge test if they are accidentally approved for Apple Health?

You may be surprised when you see that someone you are assisting is eligible for Apple Health. This is because federal rules require states to provide coverage for up to 90 days to provide a reasonable opportunity to the client while they gain a satisfactory immigration status. This is why it is critical to enter information correctly in Washington Healthplanfinder.

7. If individuals apply for a change of status in the future and are subject to the public charge test, does DHS check the past 2 years?

Yes, it is possible. However, DHS considers the totality of circumstances when making a public charge determination. Individuals should consult an immigration attorney if they have concerns.

8. Are green card holders subject to public charge test?

Green card holders are only subject to the public charge test if they are out of the U.S. for six consecutive months or more.

Resources
uscis.gov/greencard/eligibility-categories
uscis.gov/us-citizenship/citizenship-through-naturalization/path-us-citizenship
uscis.gov/greencard