



Office of Governor
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**Interagency Council for Immigrant and
Refugee Coordination**
Office of Immigrant and Refugee
Advancement

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Starting **September 18, 2026**, the U.S. Department of Homeland Security (U.S. DHS) rules relating to who will be considered a “public charge” will change.

Right now, immigration officers follow rules created in 2022 when deciding if someone can receive a green card. The 2022 rule limited the types of public benefits that U.S. DHS would look at when deciding whether someone is likely to rely on government assistance, otherwise known as “public charge”.

Beginning September 18, immigration officers may look at more types of public benefits when making a public charge determination. An officer will be allowed to consider all income-based local, state, or federal programs such as health care, food assistance, housing help, cash aid, or childcare assistance when a person applies for a green card (lawful permanent residence or LPR). The new rule may also impact people whose family members are receiving such benefits.

Because there is still very little known about how this rule will be used by U.S. DHS, it is important to get advice from a lawyer before making any decisions that could impact your family’s well-being, including cancelling public benefits you are currently receiving.

Important: This information is for general education only. It is not legal advice or official State of Oregon guidance.

Important: Always get help from a licensed lawyer or a trusted legal services provider. You can find a list of trusted legal service providers in Oregon on OIRA’s website under “For immigrants and refugees”.

FAQ

What is public charge?

“Public charge” is a part of federal immigration law. It requires immigration officials to decide if a person is likely to depend on government support when they become a green card holder, or lawful permanent resident.

It is important to remember that many immigrants are not subject to public charge at all. For example, public charge does not apply to:

- Deferred Action for Childhood Arrivals (DACA) renewals
- Temporary Protected Status (TPS) applications and renewals
- Asylees, refugees, and applications for adjustment of status for asylees and refugees
- VAWA, T, or U visa applications (for survivors of violence or human trafficking) and applications for adjustment of status for those visa holders
- Special Immigrant Juvenile Status (SIJS) and applications for adjustment of status under SIJS
- Applications to become a U.S. citizen

Does public charge apply to me?

Public charge primarily applies if you are:

- **Applying for a visa from outside the U.S.**
- **Applying for a green card (but with several exceptions- see below)**
- **A green card holder who has been outside the U.S. for more than six months.**

The public charge requirements do not apply to everyone. **Many immigrants are exempt because of their immigration status** and do not have to worry about the public charge determination.

Public charge **does not apply** to people applying for a green card based on:

- Refugee status
- Asylee status
- Survivors of domestic violence, trafficking, or serious crimes (VAWA, T, or U visas)
- Special Immigrant Juvenile Status (SIJ)
- Other humanitarian statuses

Immigration law is complicated. If you have questions about your immigration status, talk with an immigration lawyer or trusted legal service provider.

What changed?

On July 20, 2026, U.S. DHS issued a public charge final rule that will rescind the existing rule. This change takes effect on September 18, 2026. Until then, the 2022 rule is still in effect. Beginning September 18, immigration officers may consider any public benefits based on income or financial need when making public charge decisions.

However, using a public benefit by itself does **not necessarily mean someone will be considered a public charge**.

Federal law requires immigration officers to look at many factors, including:

- Age
- Health
- Family status
- Assets, resources, and financial status,
- Education and skills

Which public benefits will immigration officers consider in the public charge test?

We are reviewing the final rule, in coordination with the Oregon Department of Justice, to understand the impact of the rule.

Although the rule change will allow immigration officers to consider any means-tested public benefits (programs where eligibility is based on income or assets) that a person receives, **U.S. DHS indicates that public charge decisions will be based on the totality of an individual's circumstances. This means that receiving public benefits will be one factor they consider, but other evidence will also be looked at.** U.S. DHS is required to consider use of public benefits alongside other required factors, such as age, health, family status, finances, education, and skills.

I am a Healthier Oregon Program (HOP) member. How will the new rule impact me?

The Healthier Oregon Program is funded by the State of Oregon. After the rule change goes into effect, immigration officials may consider state-funded health benefits as part of the overall public charge assessment.

However, the public charge test does not apply to everyone. **Many immigrants are exempt because of their immigration status** and do not have to worry about the public charge determination.

It is also not yet clear how immigration officers will apply the new rule. OIRA is reviewing the rule with the Oregon Department of Justice and the Oregon Health Authority.

Will immigration officers look at benefits my family members receive?

U.S. DHS has said immigration officers cannot automatically count all benefits received by everyone in your household.

However, in some situations, benefits received by certain family members may be considered — for example, if a family member you are **legally responsible for supporting** gets income-based benefits **because your household income is low**. In that case, the officer may view this as part of understanding your overall financial situation in the public charge review.

U.S. DHS indicates that public charge decisions will be based on the totality of an individual's circumstances. Immigration officers must consider many other factors, such as age, health, family status, finances, education, and job skills.

This includes **mixed-status households**, such as families where U.S.-citizen children or other relatives receive benefits.

It is still unclear how immigration officers will apply the new rule in practice. OIRA is waiting for additional guidance from U.S. DHS.

Will this change the benefits I can receive?

No.

The federal rule change **does not change who qualifies for benefits**. If you qualify for benefits, you can still apply for and receive those benefits. The rule change also does **not** reduce or change the benefits available to you.

Should I stop using my benefits?

Consider talking with an immigration lawyer or trusted legal service provider when deciding whether to stop receiving benefits.

Stopping benefits could affect your health or your family's well-being. Because immigration law is complex and public charge law does not apply to everyone, it is important to get legal advice based on your individual situation. You can find a list of trusted legal service providers in Oregon [here](#).

I am planning to apply for my green card. What should I know?

If your green card application is **received or postmarked before** September 18, 2026, U.S. DHS has indicated that it will be reviewed under the 2022 public charge rule.

If you plan to apply for a green card, talk to an immigration lawyer about how the new rule change may affect your situation, and whether it would be to your advantage to apply before September 18.

You can find a list of trusted legal service providers in Oregon [here](#).

I am undocumented. Does public charge affect me?

Public charge is generally considered only when someone is:

- Applying for a visa from outside the U.S.
- Applying for a green card, or,
- In some cases, returning to the U.S. after a long absence.

If you are not in one of these situations, public charge may not affect you right now. If you are concerned, talk to an immigration lawyer about your individual circumstances.

Important: Always get help from a licensed lawyer or a trusted legal services provider.

You can find a list of trusted legal service providers in Oregon [here](#).

Where can I get legal help?

If you have more questions about how public charge affects you, contact [Oregon's Public Benefits Hotline](#):

(503) 241-4111 or (800) 520-5292

- Monday, 1 p.m. - 4 p.m.
- Tuesday, 9:30 a.m. - 12:30 p.m.
- Wednesday, 9:30 a.m. - 12:30 p.m.
- Thursday, 1 p.m. - 4 p.m.

Oregon residents may qualify for free immigration legal services. You can find a list of trusted legal service providers in Oregon [here](#).