SNAP Food Assistance: Immigrants & Public Charge

Updated February 2020

The Trump Administration is changing an immigration rule called “Public Charge.” This FAQ explains how this rule affects SNAP -- a federal nutrition benefit that helps low-income families put food on the table. SNAP can help your family stay strong, productive, and stable. Before making any decisions about stopping your family’s benefits, it is important to know the facts.

What is Public Charge?

The Public Charge test is used by immigration officials to decide if a person can enter the U.S. or get a Green Card (Lawful Permanent Residency). Officials look at all of a person’s circumstances, including: income, employment, health, education or skills, family situation, receipt of certain federal benefits, and if a sponsor signed an “affidavit of support.”

Most people who are subject to public charge are not eligible for federal benefit programs. SNAP eligibility is limited to low-income U.S. citizens and certain “qualified” legally present immigrants.* Officials will only look at receipt of certain federal benefits, like SNAP, after February 24, 2020 (the date the changed rule goes into effect).

The Public Charge rule does not apply to “Green Card” holders applying for U.S. citizenship or renewing their Green Card. Public Charge does not apply to programs like WIC, school meals or help from food pantries.

Where do I find more information or get help?

⇒ Visit Protectingimmigrantfamilies.org/know-your-rights or Masslegalservices.org/publiccharge.
⇒ You may be able to get help from an immigration attorney. For a list of resources, visit: Masslegalservices.org/publiccharge.
   We recommend calling first to confirm the organization can talk to you about your questions.
⇒ For help applying for SNAP or to find food resources in your community:
   Call Project Bread’s FoodSource Hotline: 1-800-645-8333
⇒ Contact MLRI if you are a Massachusetts organization with questions about SNAP rules for immigrants:
   Pat Baker at pbaker@mlri.org (617 357 0700 x328) or Vicky Negus at vnegus@mlri.org (x315)

This resource is NOT a replacement for legal advice from a trained immigration attorney. If you are applying to bring a family member to the U.S. from another country or seeking to adjust your status in the U.S., you should consult with an immigration attorney.

1 On 1/27/20 the Supreme Court allowed the Trump Administration’s public charge law changes to go into effect while litigation on the merits continues through the courts. Again, check resources linked above for the most up to date information.
* “Qualified” immigrants include Lawful Permanent Residents (“Green Card” holders), refugees, asylees, and certain battered immigrants. For a full list of “qualified” immigrants see MLRI’S SNAP Advocacy Guide. Some Green Card holders need to wait 5 years to get SNAP, but not children or immigrants with severe disabilities. SNAP is NOT available to immigrants who are undocumented, have TPS, DACA, U visas, or have pending applications for legal status or are non-immigrants (e.g. students/visitors).

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What to know about Public Charge and SNAP if you HAVE a Green Card:

- **Are you applying for Citizenship (naturalizing)?**
  - There is NO Public Charge test for you.
  - **Keep SNAP**

- **Are you renewing your Green Card?**
  - There is NO Public Charge test for you.
  - **Keep SNAP**

- **Are you leaving the U.S. for 6 months or more?**
  - Public Charge may come up if you try to come back to the U.S.
  - **Talk to an immigration attorney before** you leave the U.S.

**Note:** To qualify for SNAP, Green Card holders typically need to have Lawful Permanent Residency status for 5 years unless they are a child under 18, have a severe disability, have work history, or had earlier humanitarian status such as refugee or asylee. See * footnote for more information.

What to know about Public Charge and SNAP if you **Do NOT** Have a Green Card:

- **Do you get SNAP for your U.S. Citizen kids or other people you live with?**
  - Their SNAP has NO impact on any future Public Charge test for you.
  - **Keep SNAP for kids/family.**

- **Are you a refugee, asylee, survivor of trafficking (T Visa), or battered immigrant (VAWA self petitioner)?**
  - There is NO public charge test for you.
  - **Keep SNAP.**

- **Do you have DACA, TPS, a U visa, or Special Immigrant Juvenile?**
  - There is NO public charge test in this status, but...
  - **You are not SNAP eligible.**

^ Ineligible adult immigrants may be able to get SNAP on behalf of eligible household members, such as your U.S. Citizen kids. If you get an EBT card on their behalf (with your name on it), benefits on the card are for eligible household members.

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Based on materials from Protecting Immigrant Families