



Public Benefits & Coronavirus: Frequently Asked Questions
Updated November 2022

1. What does it mean to be a “public charge”?

“Public charge” is a term used in U.S. immigration law to mean someone who primarily depends on government assistance to survive. If the U.S. immigration agency thinks you are a “public charge,” you could be refused entry to the United States or deported.

Fortunately, few people are deemed to be a public charge. Only noncitizens who rely on public cash assistance to live or who are institutionalized for long-term care at government expense are considered a public charge.

Disqualifying assistance includes state or local cash assistance programs for income maintenance like [Supplemental Security Income](#) (SSI) or assistance from the [Temporary Assistance for Needy Families](#) (TANF) program. But you can freely accept any non-cash assistance like [Medicaid](#), food stamps, [WIC](#), unemployment insurance, housing benefits, or cash assistance that is not for income maintenance.

Source(s):

Public Charge Ground of Admissibility, 87 Fed. Reg. 55,472 (Sept. 9, 2022)
<https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility>

2. If I am undocumented and therefore do not qualify for Medicaid, can I access emergency Medicaid to cover COVID-19 treatment?

Yes. The below links include information on how undocumented immigrants can access emergency medical care.

Source(s):

GoodRx Health: “Healthcare Options for Undocumented Immigrants”
<https://www.goodrx.com/healthcare-access/patient-advocacy/healthcare-undocumented>

health.ny.gov: “Medicaid for the Treatment of an Emergency Medical Condition Fact Sheet”
https://www.health.ny.gov/health_care/medicaid/emergency_medical_condition_faq.htm

3. As an undocumented person, are there any options other than going to the emergency room if I need COVID-19 treatment?



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Yes. Undocumented people (and anyone else) can go to free or low-cost clinics. The below link lists websites that provide information on free and low-cost clinics in each state.

Source(s):

UnitedWeStand: “Healthcare access for Undocumented Folks in the Time of COVID19”

<https://bit.ly/3e7LnGc>

[InformedImmigrant, “Resources for Immigrants during the coronavirus crisis”](https://www.informedimmigrant.com/resources/covid/coronavirus/)

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4. I have legal status, but I have been in the United States for less than five years. Can I qualify for Medicaid?

Maybe. The general rule is that people with legal status need to be in the United States for five years before they can use Medicaid. However, if you are a refugee, asylee, or in certain other immigration statuses, you do not have to wait five years before accessing Medicaid.

Also, states can decide to waive the five-year period for pregnant women to access Medicaid and for children to access the Children’s Health Insurance Program (CHIP). New York, for example, has done this.

Accessing Medicaid is not a negative factor in the public charge determination, so you can use it freely without being worried about being deemed a public charge.

Source(s):

Healthcare.gov: “Coverage for Lawfully Present Immigrants”

<https://bit.ly/2UTdmBH>

Medicaid.gov: “Medicaid and CHIP Coverage of Lawfully Residing Children & Pregnant Women”

<https://bit.ly/3e6UAP3>

5. I qualify for Medicaid but am afraid that if I use Medicaid for coronavirus treatment, it will count against me in the public charge determination. Will it?

No. The public charge determination does not consider health care, unless it qualifies as long-term institutionalization funded by the government. You should always seek medical assistance without worrying about it affecting your immigration status.

Source(s):



Public Charge Ground of Admissibility, 87 Fed. Reg. 55,472 (Sept. 9, 2022)
<https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility>

6. Can undocumented immigrants access private health insurance?

If you are an undocumented immigrant, you cannot buy private health insurance coverage through the Affordable Care Act (ACA) Marketplaces. You may be able to get private health insurance if you are a spouse or dependent of someone who receives health insurance through their employer. If you are a student, you may receive health insurance through your college or university. Finally, you can purchase private health insurance directly from an insurance company, but it may be expensive.

Source(s):

The Kaiser Family Foundation: “Health Coverage and Care of Undocumented Immigrants”
<https://bit.ly/34lnNBp>

Healthinsurance.org: “Should You Look Outside the ACA’s Exchanges?: How your individual health coverage differs – and how it doesn’t – when you shop for insurance outside Obamacare’s marketplaces”
<https://bit.ly/2yELEQz>

7. I have legal status, but I don’t have health insurance. How can I get coverage?

If you had health insurance through a previous employer (and the company had at least 20 employees), but you lost your job because of COVID-19, you can keep that health insurance plan through COBRA (The Consolidated Budget Reconciliation Act). Your employer will no longer contribute to paying the monthly premium, though, so it may be expensive to keep that insurance plan.

You can also compare private insurance plans through ACA Marketplaces (Healthcare.gov or your state-run ACA marketplace). Losing your job qualifies you to enroll in a plan on all health insurance exchanges. If you have not lost your job but need health coverage, some states (including New York) have created special enrollment periods in light of COVID-19 so that uninsured persons can enroll in an ACA insurance plan without a “qualifying event” (like losing your job).

You should check if you qualify for Medicaid based on the requirements of your state. Individuals can enroll in Medicaid year-round, and because enrollment is based on monthly income, it may be a good option if you recently lost your job.

If you cannot find a health insurance plan that works for the adults in your family, your children may be able to get coverage. The rules for children’s and pregnant women’s



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enrollment in Medicaid are different than for the general public. Go to [InsureKidsNow.gov](https://www.insurekidsnow.gov) to determine if your children are eligible.

Source(s):

NPR.org: “Coronavirus Reset: How to Get Health Insurance Now”
<https://n.pr/2UVgJrZ>

8. Can individuals with DACA (Deferred Action for Childhood Arrivals) access Medicaid, insurance through the ACA Marketplaces, or private health insurance through an employer?

No. Individuals with DACA are not eligible for Medicaid and cannot purchase private health insurance coverage through the ACA Marketplaces. But, because DACA recipients have work authorization, they can access employer-provided private health insurance.

DACA recipients can access emergency Medicaid if they meet the income requirements for Medicaid and arrive to a hospital suffering from an emergency medical condition (meaning that they would have serious health consequences without immediate medical attention).

Source(s):

The Kaiser Family Foundation: “Key Facts on Individuals Eligible for the Deferred Action for Childhood Arrivals (DACA) Program”
<https://bit.ly/2xfVgkx>

Latina Institute, “How Immigration Status Affects Your Health Care Coverage”
<https://www.latinainstitute.org/sites/default/files/Immigration-Status-and-Health-Coverage-Fact-Sheet.pdf>

9. I am undocumented. Is it possible that ICE (US Immigration and Customs Enforcement) will come to hospitals?

Unlikely. ICE has stated that it will not carry out enforcement operations at or near health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities, except in the most extraordinary of circumstances. They have not explained what constitutes “the most extraordinary of circumstances.”

Source(s):

U.S. Immigration and Customs Enforcement: “ICE Guidance on COVID-19”
<https://www.ice.gov/coronavirus>

10. Are noncitizens eligible for unemployment insurance?



Noncitizens are generally eligible for unemployment insurance benefits as long as they are: (1) work-authorized at the time they file for unemployment benefits and during the entire time that they are receiving benefits; and (2) meet the state residency requirements for unemployment benefits.

Receiving unemployment insurance benefits will not count against you in the public charge determination because unemployment insurance is an earned benefit, not a public benefit.

Source(s):

National Immigration Law Center: “Understanding the Impact of Key Provisions of COVID-19 Relief Bills on Immigrant Communities”
<https://bit.ly/2yM6wpg>, page 9

11. Could I be deported for using public benefits after I get a green card?

Unlikely. The public charge test generally does not apply to individuals who are already green card holders.

Source(s):

ILRC: “Public Charge Outreach Toolkit”
[https://www.ilrc.org/sites/default/files/resources/public_charge-five_things_to_know_september_2021.pdf](https://www.ilrc.org/sites/default/files/resources/public_charge_five_things_to_know_september_2021.pdf)

12. If I use public benefits, can I sponsor my family members to immigrate to the United States?

Yes. You can sponsor family members to bring them to the United States even if you use public benefits. However, you may need to have a co-sponsor because you will not be able to count the government benefits when you try to show that you earn enough money to support your relative.

Source(s):

ILRC: “Public Charge Outreach Toolkit”
[https://www.ilrc.org/sites/default/files/resources/public_charge-five_things_to_know_september_2021.pdf](https://www.ilrc.org/sites/default/files/resources/public_charge_five_things_to_know_september_2021.pdf)

13. Will applying for rental assistance, Section 8 or other housing benefits, cash assistance or food stamps for my children during the COVID-19 pandemic count against me for public charge purposes?



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No. You can accept any assistance other than cash assistance used to support income maintenance. That means you can accept rental assistance, Section 8 or other housing benefits, non-cash assistance, or food stamps at any time. That is no longer a part of the public charge determination.

Source(s):

Public Charge Ground of Admissibility, 87 Fed. Reg. 55,472 (Sept. 9, 2022)
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14. Is a childcare voucher considered cash assistance since a parent is getting money to pay for childcare?

No. Childcare vouchers are not considered cash assistance in a public charge determination.

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