



PUBLIC ASSISTANCE

Under certain U.S. federal, state, county, and local laws, non-immigrants or their dependents may seem to qualify, according to income guidelines, and be found eligible to receive "public assistance" benefits. Some of these benefits include food stamps for U.S. born children, financial assistance for pregnancy and delivery, costs of medical/dental/eye care that are not covered by insurance, Temporary Aid for Needy Families, and/or or adult care food programs. Others are subsidized housing and unemployment benefits. A person who depends on public assistance is called a "public charge". It is not legal for someone who holds a nonimmigrant visa, such as a F or J visa, to become a public charge, or even to supplement their income with public assistance benefits. Please be aware that under some U.S. laws, **accepting these benefits may jeopardize your status as a nonimmigrant visitor to the U.S. and make you eligible for deportation or prevent you from re-entering the U.S. Later adjustment to Permanent Resident status may also be denied.**

On October 18, 1999 INS released a "Quick Guide to Public Charge and Receipt of Public benefits". This guide provides a summary of how receiving public benefits in the United States may or may not affect an alien under the "public charge" provisions of the immigration laws (Interpreter Releases, November 8, 1999 pg. 1613 and 1637, Appendix II).

Why Am I Considered "Ineligible" for Public Assistance?

When someone applies for a nonimmigrant visa, they verify that they have sufficient funds to support themselves and any dependent family members, for all expenses, including school-related and medical expenses, without accepting U.S. public assistance. Because of this, U.S. law makes these people ineligible for public assistance.

Are My children Who Are U.S. Citizens Able To Accept Public Assistance?

Some of the people who have been denied visas or who have been denied entry at a U.S. Post-of-entry based on their acceptance of public assistance have been parents of U.S. born children (citizens). In these cases, the U.S. government has interpreted the assistance as going both to the child and the parents, so nonimmigrant parents are not able to accept public benefits to support a U.S. citizen child.

Can My Children Use School Lunch Programs And W.I.C.?

School lunch programs, child vaccination programs, and similar benefits are widely available regardless of an individual's income, citizenship, or immigration status; provide non-cash benefits; and promote the general public good. Because of this, the State Department has directed consulates and embassies not to consider receipt of these benefits alone when deciding to reject a visa application. However, if these and other public benefits are used, the consular officials may decide to reject a visa, even though they are not supposed to do this. Students who are concerned about this may request from the ISS copies of W.I.C. and U.S.D.A. statements for their records.

What Will Happen To Me If I Use Public Assistance Programs?

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 makes it very important for nonimmigrants to remain in status. Nonimmigrant people who accept public assistance may have violated their legal status. In addition, other regulations passed in various U.S. welfare reform acts restrict receipt of benefits to U.S. citizens and permanent residents. Also, some ineligible people and their families who have accepted public assistance have been denied re-entry to the U.S. after a trip abroad. These people are often discovered because technology now allows the public assistance program staff who administer the programs to send to and receive from the Immigration and Naturalization Service (INS), information regarding the immigration status of applicants and recipients of public assistance benefits. In cases where ineligible recipients have been discovered, they have been required to refund the cost of the assistance they used. In many states, a government agency assesses the cost of the benefits and presents the recipient with a bill. Then the recipient must present proof of payment to the U.S. State Department. This process can take months.

What Should I Do If I have Been Using Public Assistance Programs?

Stop using them immediately. This will show that you took positive action to follow U.S. laws when you learned that it was inappropriate to accept public assistance. Additional steps would include reimbursing the cost of the public assistance you have used.

Please remember that federal regulations change constantly. If you have questions about this information, ask an International Student Services staff member.