

# Applying for health insurance as an immigrant: What you should know about “public charge”



**A proposed change in U.S. immigration rules (known as “public charge”) has caused many immigrant families to worry whether it is safe to enroll in health insurance through [healthcare.gov](https://www.healthcare.gov). It’s important for immigrants to get the facts and make the best decision for you and your family. Here are the top three things you need to know:**

- 1** If you are already a naturalized citizen, or have your green card, you do not have to worry about any risk from enrolling in health insurance. The same is true for immigrants who have protected status, such as refugees, asylees and people who have survived domestic abuse and other serious crimes.
- 2** Even if you are not in one of the categories described above, you can still apply now for any health insurance for which you may be eligible. Getting health insurance now for you or your family members can help you stay healthy. The proposed change in immigration rules is not in effect now, and it cannot even become policy until many months from now. The rule will not be retroactive to now, so it is ok for you to apply for coverage now if you are eligible.
- 3** Only certain types of health insurance coverage would be affected, if and when the rule goes into effect next year. Only regular Medicaid (not emergency Medicaid) and low-income subsidies for Medicare Part D coverage would be affected. That means you can receive federal subsidies for purchase of a marketplace health plan through [healthcare.gov](https://www.healthcare.gov) without worrying. Also not affected is Children’s Health Insurance, known as CHIP.

**Please Note: This fact sheet contains general information and is not legal advice. If you have questions, you should speak with an immigration attorney who can assess your unique situation.**

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## Here are the answers to some of the questions that you might have about “public charge:

### **What is a “public charge?”**

Immigration offices in the U.S. use the term “public charge” to refer to someone who is likely to depend on the U.S. government to pay for things like food, housing or care. Immigrants who are determined to be a public charge can be denied a visa or change in status.

### **How does the government decide if someone is a “public charge?”**

Immigration offices look at more than just whether someone receives government benefits like food stamps (SNAP) or housing assistance. A person’s entire circumstances, such as their income, age and use of benefits, are currently considered to determine their likelihood of becoming a public charge.

### **What would change if the new proposed “public charge” rule goes into effect?**

The proposed public charge rule would add to the current list of public benefits that can be considered in a public charge determination. Two types of health insurance would be included: full, non-emergency Medicaid (known as Badgercare in Wisconsin) and the Medicare Part D Low Income Subsidy, which helps people over age 65 who are enrolled in Medicare pay for prescription drugs.

The proposed rule says that if you receive regular non-emergency Medicaid for more than 12 months in a three year period, it will be considered in a public charge determination. So, even if the rule does go into effect, receiving Medicaid for less than 12 months in a three year period will NOT count against you. Also, Emergency Medicaid, which pays for medical costs if you have a sudden, life-threatening emergency, will NOT be considered in a public charge determination.

### **Could benefits my family members get cause me to be considered a public charge?**

Your immigration status will only be affected by other family members receiving benefits if you apply for a change in immigration status together. If you apply individually, benefits your family members receive will NOT be counted against you.

### **What should I do if I have more questions?**

If you have any other questions about health insurance and the public charge rule, please contact an immigration attorney.