



2026 Final Public Charge Rule: A Threat to Women and Gender Expansive People of Color

Reproductive justice will be achieved when all people, of all immigration statuses, have the resources and economic, social, and political power to make decisions about their bodies, sexuality, health, and families. Public charge undermines reproductive justice by discouraging immigrants from using public benefits, which support their ability to decide if and when to have children and to raise the children they have in safe, healthy environments. The expansion of public charge under the 2026 final rule is a direct attack on the health and economic stability of immigrant Black, Latine, and Asian American, Native Hawaiian, and Pacific Islander (AANHPI) families and communities.

WHAT IS PUBLIC CHARGE?

- “Public charge” is a term used by U.S. immigration officials to refer to a person who is considered likely to become primarily dependent on the government for financial and material support. **If an immigration official deems someone a “public charge,” the individual could be denied a green card, visa, or entry into the U.S.**¹
- **The public charge test applies to people seeking a visa to enter the U.S. or a family-based green card as well as to green card holders who leave the country for more than 180 days.**² Public charge is *not* considered when an immigrant with a green card applies for U.S. citizenship.
- When making public charge determinations, immigration officials consider a number of factors, including, at a minimum: **age; health; family status; assets, resources, and financial status; and education and skills.** They may also consider an affidavit of support.
- Immigration officials may also consider the use of public benefits when making public charge determinations. Prior to September 18, 2026, federal regulations limited the public benefits that could be considered to **cash assistance** for income maintenance—such as Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF)—and institutionalized **long-term care** at government expense.

EXPANSION UNDER 2026 FINAL PUBLIC CHARGE RULE

On July 16, 2026, the Department of Homeland Security (DHS) released a final public charge rule, which deviates from decades of established policy and practice.

The new policy, which took effect September 18, 2026, takes away the clear rules that the Biden administration established for deciding whether someone could become a “public charge.” This lack of clear guidance gives DHS officials broad discretion, **potentially opening the door to discriminatory decisions based on personal factors and for officials to deny green cards based on the use of any government-funded, “means-tested” or income-based program.**³

¹ <https://pifcoalition.org/resources/library/public-charge-what-advocates-need-to-know/>

² <https://pifcoalition.org/resources/library/public-charge-community-talking-points/>

³ <https://pifcoalition.org/resources/library/public-charge-community-talking-points/>



This includes:

- **Medicaid:** Immigration-related fears may cause women and gender expansive people who qualify for Medicaid to forgo family planning, STI treatment, or prenatal care—or not seek any medical care for their births or the health of their newborn.
- **Supplemental Nutrition Assistance Program (SNAP):** Eligible individuals could opt out of SNAP, which offers nutrition assistance to millions of low-income individuals and families, due to ongoing threats to citizenship eligibility.
- Other public benefits, such as **WIC (the Special Supplemental Nutrition Program for Women, Infants, and Children)**, **federal housing assistance**, and **Head Start** may be considered under the new final rule.
- The 2026 final rule also allows immigration officers to consider **benefits that a person applies for on behalf of a family member, including children who are U.S. citizens, when making public charge assessments.**⁴

IMPACT ON IMMIGRANT COMMUNITIES

The 2026 changes to public charge determinations will likely cause many immigrants to avoid using public benefits at a time when they are already under significant financial strain. A 2024 analysis found that nearly a third of noncitizen immigrants were uninsured compared to 8% of U.S.-born and naturalized citizens.⁵ Additionally, rates of uninsurance were higher among Latine (18.4%), Black (10.1%), and native Hawaiian or Pacific Islander people (12.3%) than among their white counterparts (6.8%). Without access to health care or economic assistance, those affected by the public charge rule expansion face additional barriers in parenting or caring for family members.

- **Around 25% of children in the U.S. have an immigrant parent.** While most are U.S. citizens and eligible for public benefits, they rely on parents and other adult family members to enroll them in these benefits.⁶
- Analysis by KFF predicts that **between 1.4 and 4.1 million Medicaid and CHIP (Children's Health Insurance Plan) enrollees who live in a household with a noncitizen could disenroll from these programs** due to immigration-related fears.⁷
- The fear and confusion around changes to public charge will likely **spread beyond those who are directly affected to immigrant families of all statuses, discouraging many from accessing critical public benefits.** After changes to public charge during the first Trump administration, one in seven adults in immigrant families (15.6%) avoided using a non-cash public benefit because of fears around obtaining a green card.⁸

The public charge rule expansion is meant to deter immigrants from accessing benefits for which they or their U.S. citizen children may be eligible. This is a ploy to enact anti-immigrant policies without congressional oversight and **an attack on reproductive justice that will have devastating, long-term impacts on immigrant families and the health and economic security of women and gender expansive people of color.**

⁴ <https://www.cnn.com/2026/07/20/politics/trump-rule-green-card-applicants>

⁵ <https://www.kff.org/uninsured/key-facts-about-the-uninsured-population/>

⁶ <https://pifcoalition.org/resources/library/research-documents-the-harm-of-past-public-charge-policies/>

⁷ <https://www.kff.org/quick-insights/new-public-charge-policies-will-likely-lead-to-decreased-enrollment-in-medicare-and-chip/>

⁸ https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019_3.pdf