

Public Charge (new rule, effective September 18, 2026)

Q: *What is “public charge,” and why is the new rule potentially important for mixed-status families?*

A: Public charge is an assessment by federal immigration officials of whether a person applying for a green card is likely to become dependent on federal benefits in the future. Being determined a “public charge” can prevent someone from taking next steps toward full citizenship, such as obtaining a green card.

The new rule taking effect September 18 is potentially significant for those parents and guardians who may be working toward a green card while their households receive benefits that U.S.-born children are eligible for.

Q: *Does the new rule apply retroactively?*

A: No. According to the rule, benefit receipt before September 18, 2026 will not be considered.

Q: *Who does the rule apply to?*

A: Only individuals actively working to obtain a green card, not the broader immigrant population.

Q: *Does a U.S.-born child’s benefit use count against an immigrant parent?*

A: Potentially, yes. The new rule rescinds the Biden-era 2022 standard. If a parent is legally obligated to support a child, that child’s receipt of benefits may now count against the parent as evidence their income was insufficient to support dependents without assistance.

Q: *Does it matter whether a benefit is state- or federally funded?*

A: No. Any benefits funded with state money and received on or after September 18, 2026 can also be considered in public charge determinations.

Q: *Should immigrant families disenroll from benefits to avoid risk?*

A: No. Encouraging disenrollment can create serious, separate harms, and the rule change applies narrowly to green-card applicants and not to immigrant families generally.

Temporary Assistance for Needy Families (TANF)

Q: *If a parent is undocumented, can the family get any cash assistance?*

A: Not directly for the parent. Executive Order 14218 (“Ending Taxpayer Subsidization of Open Borders”) bars states from providing federal public benefits to undocumented immigrants. However, a U.S.-born citizen child in the household can still receive TANF cash assistance as a “child-only” benefit, since the child’s own eligibility doesn’t depend on a parent’s status.

Supplemental Nutritional Assistance Program (SNAP)

Q: *Who is eligible for SNAP under current federal law?*

A: Under H.R.1, only citizens, lawful permanent residents with five or more years of residence, Cuban/Haitian entrants, and COFA citizens qualify. Undocumented immigrants remain categorically ineligible.

Q: *Should a citizen child receive a SNAP benefit in a household with an ineligible parent?*

A: The child can continue receiving SNAP as a “child-only” case even after a parent is designated ineligible. An ineligible household member’s income may still count toward the household’s eligibility determination, but that member isn’t counted for benefit-calculation purposes.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

Q: *Does WIC require documentation of immigration status?*

A: No. Federal WIC guidelines do not request or require proof of immigration status for children or adults.

Q: *Has participation in WIC nonetheless been affected by recent changes?*

A: Even without a documentation requirement, immigrant participation in WIC has declined since 2017, an effect generally attributed to public-charge related fears rather than any actual policy change.

Child Care Subsidies (CCDF)

Q: *Whose immigration status determines eligibility for child care subsidies?*

A: Only the children's. Each child receiving subsidized care must be a U.S. citizen or qualified non-citizen. States are prohibited from requiring immigration status information from parents or other household members.

Head Start

Q: *Is Head Start eligibility currently based on immigration status?*

A: No. In 2025, HHS attempted to reclassify Head Start as a "federal public benefit," which would have required verifying a child's immigration status for the first time in the program's history and excluded undocumented children. Federal courts blocked this change, so eligibility currently remains available regardless of a child's or a parent's immigration status.

School Meals & Summer EBT

Q: *Does immigration status affect access to free school meals?*

A: No. All students receiving a free public education are eligible for school meal programs regardless of immigration status, and schools cannot require proof of citizenship or immigration status. Students receiving school meals may also qualify for Summer EBT.

Low-Income Home Energy Assistance Program (LIHEAP)

Q: *What happens if only some household members are eligible?*

A: Households with at least one eligible adult or minor child may qualify for assistance prorated according to the number of eligible household members, with exact implementation varying by state.

Q: *Is there a waiting period for qualified immigrants?*

A: No. Unlike SNAP or TANF, "qualified" immigrants face no five-year waiting period for LIHEAP eligibility.

Section 8 / Housing Assistance

Q: *What is the current federal approach to immigration status verification for HUD housing programs?*

A: HUD has directed enhanced citizenship verification. As of a February 2026 Department of Justice Office of Legal Counsel opinion, VAWA self-petitioners and Cuban/Haitian entrants, though "qualified" under other federal frameworks, have been excluded from eligibility under the housing-specific statute (Section 214).

Q: *What happens to mixed-status households currently?*

A: When a household includes individuals with ineligible immigration status, the benefit can currently be prorated. A proposed 2026 rule would eliminate this proration, potentially forcing mixed-status households to choose between separating, moving out, or losing all assistance, including for otherwise-eligible members. This rule has not been finalized and is not in effect.

Family Tax Credits

Q: *What SSN requirements apply to the Child Tax Credit (CTC) and Earned Income Tax Credit (EITC)?*

A: Each child must have a Social Security Number (SSN) and at least one parent must have an SSN that is valid for work in the United States.

Q: *Which families are currently excluded from these credits?*

A: Parents with Temporary Protected Status, pending asylum cases, or DACA status may not file for these credits. **Note:** A [proposed rule change](#) to classify the refundable portion of these and other credits as "federal public benefits" would further restrict those who are not U.S. citizens from filing for them, but it has not been finalized.

Data Privacy



Q: *Is there a federal change affecting data sharing for benefit applicants?*

A: Yes. Beginning September 30, a federal Privacy Act notice is scheduled to allow home addresses, immigration status, and other data provided in TANF applications to be shared with the Department of Homeland Security, without a warrant, court order, or the caseworker's knowledge.

Q: *Has this change been challenged?*

A: Yes. It has been challenged by lawsuits filed by multiple states.