

Public Charge and WIC: What You Need to Know



The federal “public charge” policy has changed multiple times in recent years. These changes can be confusing and overwhelming. This resource helps to explain whether and how WIC benefits will be considered under the latest policy. That way, you can make an informed decision about participating in WIC.

Key Takeaways

When some immigrants apply for a green card, immigration officials make what is called a “public charge determination.” But most immigrants do not have to worry about public charge at all. It does not apply to people who already have green cards and do not plan to leave the U.S. Some green card applicants are exempt. And if you do not currently have a pathway to get a green card, it does not affect you.

If you applied for a green card before September 18, 2026, your application will fall under the old public charge policy. The new policy only applies to new applications filed on or after September 18.

Public charge is not just about benefits. Federal law says that immigration officers have to consider age, health, income and resources, education, and work history – not just one factor.

Advocates are working hard to fight this policy, and we will update this fact sheet if anything changes.

What is public charge?

When someone is applying for a family-based or certain employment-based green card (lawful permanent resident or LPR status), immigration officers must look at whether the person applying is likely to become a “*public charge*.” That means that the person would depend on the government to meet their basic needs. An immigration officer might deny a green card application if they believe there is a good chance the person applying will rely on government assistance.

Please Note: This is not legal advice – every family’s situation is different. Because this policy is complicated, it is a good idea to speak to a knowledgeable immigration attorney before leaving the United States or submitting any immigration-related application.

Who does public charge apply to?

Public charge MAY APPLY to you if: • You plan to apply for a family-based or certain employment-based green card • You have a green card but leave the country for more than six months	Public charge DOES NOT APPLY to you if: • You're a U.S. citizen • You already have your green card and stay in the U.S. • You're applying to renew your green card • You're applying for Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), a U or T visa, asylum, refugee status, relief under the Violence Against Women Act (VAWA), or Special Immigrant Juvenile (SIJ) status • You're applying for a green card based on having SIJ, a U or T visa, asylee or refugee status, or VAWA • You have no pathway to obtain a green card or you do not plan to apply for a green card in the future
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What is changing under the new policy?

The previous public charge policy limited which benefit programs immigration officers could consider. But the new policy says immigration officers can look at any type of benefits you use that are available only to people with low incomes. That includes WIC (if received on or after September 18, 2026). The policy does not require officers to consider specific programs and lets them use their own judgment. Keep in mind that receiving WIC or any other income-based public benefit does not automatically make you ineligible for a green card. But it could be considered as part of a public charge determination.

When does the new public charge policy go into effect?

The new public charge policy will start on September 18, 2026. It will only apply to green card applications postmarked or electronically filed on or after that date. The previous policy will still be used for all green card applications postmarked or electronically filed before September 18, 2026. The new policy is likely to be challenged in the courts, which may impact the implementation timeline.

I have already submitted a green card application. Does the new policy apply to me?

The latest policy will only apply to applications electronically submitted or postmarked on or after September 18, 2026.

Will getting WIC hurt my green card application?

Under federal law, immigration officers are supposed to consider many factors when making public charge determinations. Those factors include your age, health, and family status. Immigration officers also check your financial status, education, and work skills. If you are getting WIC, that is one factor that

may be considered as part of a public charge determination. Other factors the officer may consider include the amount of benefits you receive, the length of time you participate in WIC, the fact that pregnancy and the postpartum period are temporary, and how recently you participated at the time you apply for a green card.

What if my child is on WIC but not me?

Under the new policy, immigration officers can consider your child's use of benefits in a public charge determination, whether or not they are a U.S. citizen. The new application form does not collect information about children's use of benefits, but officers may ask you about it. Officers are allowed to use information about your child getting benefits as part of their assessment of your assets, resources, and financial status.

What if I used WIC in the past? How far back can they look?

The new policy does **not** allow immigration officers to consider WIC benefits used before September 18, 2026.

Should I quit using WIC now?

It is up to you to weigh the life-changing benefits of WIC participation against any potential risks for you and your family.

Remember that public charge doesn't apply to a lot of people, so it is important to think through whether you or your immediate family members are likely to be affected.

If you are considering applying for a family-based or certain employment-based green card, the new policy allows immigration officers to consider any income-based public benefits programs you are using, like WIC, SNAP, and Medicaid as of September 18, 2026. It is unclear how much officers will consider use of WIC benefits in a public charge determination, and different officers may take different approaches because they can use their own judgment. Only you can decide what's best for you and your family, and the advice of an immigration attorney could help.

Where can I find more information?

To find immigration assistance and legal aid resources in your area, go to <https://keepyourbenefits.org/en/na/find-help>. For more information about how the new public charge policy applies to other public benefits, visit <https://pifcoalition.org/resources/library/public-charge-does-this-apply-to-me/>.

Acknowledgments

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