

Accepting Public Assistance



In most instances if you hold non-immigrant status in the U.S. you are not eligible for public benefits from the federal, state, county or any other local U.S. government agencies. While some public benefits for a U.S. born child (such as immunizations, children's nutrition and health programs) may not cause problems, accepting most public benefits can put your legal status in the United States at risk and can create a bar to re-entry to the U.S.

Therefore, it is advisable to seek legal advice before accepting any public benefits.

Below are some things to consider before accepting public benefits of any kind.

Financial Obligation

A condition of maintaining nonimmigrant F-1 or J-1 status is that you, in addition to meeting your educational expenses, are able to provide shelter, food, clothing and health care for you and your dependents. Please contact an OISS adviser if you have questions or need assistance in meeting your financial obligations.

Visa Status

Cooperation between state social service agencies, the U.S. Immigration and Department of State make it possible for an immigration inspector or U.S. Consular officer to become aware of an individual who has accepted public benefits. The acceptance of public benefits is interpreted as a declaration that the individual is unable to meet their financial obligations (a requirement of obtaining and maintaining status) and thereby rendering them ineligible for F-1 or J-1 status.

U.S. Citizen Children

Occasionally, a well-meaning social service agency, hospital or public housing administrator may offer such assistance not realizing that non-immigrants are ineligible for such benefits. Additionally, even though U.S. citizen children of nonimmigrant parents may be eligible for pre and post-natal public benefits, the nonimmigrant parent may be denied a visa or re-entry based on the child's receiving the benefits. This can be interpreted as the non-immigrant individual not being able to meet their financial obligations. Research this thoroughly before accepting a public benefit for your U.S. child.

