



FACT SHEET ON WIC AND PUBLIC CHARGE

The new public charge rule could impact millions of immigrant families. Here's what you should know.

SUMMARY

On September 18, 2026, the Trump administration's new public charge policy went into effect. The 2026 policy expands the federal benefit programs used in public charge tests to include, for the first time, nutrition assistance programs like the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). While public charge tests only apply to a narrow group of immigrants, primarily those applying for family- or employment-based green cards, the new policy could have chilling effects for immigrant and mixed-status families.

WHAT IS PUBLIC CHARGE?

Public Charge Test

The "public charge test" is an immigration process used to determine admissibility for some immigrants applying for visas and lawful permanent resident status (LPR), i.e., a "green card." The test allows government officials to deny legal status to applicants determined to be a "public charge" based on factors including their use of means-tested public benefits. Not every immigrant or every immigrant applying for LPR status is subject to the public charge test.

On July 16, 2026, the Trump administration announced the rescission of the 2022 Biden-era public charge policy. WIC had previously been considered safe for immigrant families to participate in; however, this new rule jeopardizes the positive impact the program has had on immigrant and mixed-status families.

WHAT IS THE NEW RULE?

The 2026 rule expands the types of public benefit programs that can be considered and encourages immigration officers to use their own discretion when determining whether an applicant could be a public charge in the future. The previous version determined inadmissibility based on factors like age, health, family status, assets, resources, financial status, education, skills, and receiving federal or state cash assistance (TANF) and government-funded long-term care. The test now also considers participation in any means-tested public benefit programs.

The new policy eliminates the clear list of programs considered under the public charge test and replaces it with categories of programs that could be included, including food assistance programs and government-funded health coverage. This means that immigration officers could consider the use of WIC, SNAP, Medicaid, CHIP, and other public assistance programs when evaluating whether an applicant is likely to become a public charge. The rule significantly expands the discretionary power of immigration officers, encouraging them to consider an array of factors to determine eligibility. The policy also suggests that the use of public benefits by dependent family members can be considered. **Public benefits received before September 18, other than those established in previous versions of the policy, are not considered to determine admissibility.**

NOT ALL IMMIGRANTS ARE SUBJECT TO THE PUBLIC CHARGE TEST.

WHO IS AFFECTED?

Not all immigrants are subject to the public charge test. The public charge test may apply to individuals who are applying for family-based and some employment-based green cards, as well as individuals who have a green card but leave the country for more than six months. The public charge test does not apply to U.S. citizens, asylees and refugees, Temporary Protected Status (TPS) applicants or holders, T or U visa holders, Special Immigrant Juveniles (SIJs), or existing green card holders.

WHAT DOES THIS MEAN FOR WIC FAMILIES?

The new public charge policy puts millions of WIC families at risk. It is important to emphasize that the use of public benefits, including WIC, is only one of the factors considered by immigration officers when issuing status adjustments.

Immigration officers are instructed to view adjustment to status applications holistically, indicating that the use of federal programs does not automatically disqualify someone.

WIC families who belong to a category that is not subject to the public charge test (U.S. citizens, asylees, refugees, TPS holders, T visa holders, U visa holders, SIJs, existing green card holders, and others) may continue to receive WIC benefits normally.



WIC families that could be subjected to the public charge test in the future are still eligible for the program, but they now face the risk of WIC participation negatively impacting their application.

Immigration officers are instructed to only consider the use of WIC and other public benefit programs, as established in the new policy, after September 18, 2026. The use of public benefit programs, excluding TANF and government-funded institutionalization, before September 18, 2026, will not be considered.

WIC families who could be impacted by these changes may wish to consult with a trusted immigration attorney to consider the risks of remaining on the program past the effective policy date.

CHILLING EFFECTS

The National WIC Association condemns the 2026 public charge rule. With few exceptions, WIC has served immigrant and mixed-status families without fear of repercussions. This new rule will have devastating impacts on families who will be forced to choose between nutrition support for their family and keeping their family together.

The effects of policies like this one are already being seen. In recent years, WIC clinics across the country have reported a heightened level of fear among immigrant and mixed-status families participating in WIC, prompting eligible families to refuse the nutrition and breastfeeding support they need. Due to this fear, some families have withdrawn from WIC services, returning food benefits and breast pumps to clinic sites.

WHERE ARE WE NOW?

On September 14, 2026, two lawsuits were filed against the Trump administration's public charge policy. NWA will continue to monitor the suits and provide updates as necessary.

STAY INFORMED. SHARE ACCURATE INFORMATION. SUPPORT WIC FAMILIES.

*Sign up for policy updates impacting WIC,
including developments related to public
charge policy and ongoing legal challenges.*



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