The Public Charge Test is used by immigration officials to decide whether a person can enter the U.S. or get a green card (lawful permanent resident or LPR status). Immigration officials use the term “public charge” to refer to people who are likely to become dependent on the government to support themselves. The federal administration recently announced changes that expand “public charge” to include people who receive one or more public benefits for more than 12 months within any three year period.

CHANGES TO THE PUBLIC CHARGE RULE WERE STALLED BY THE COURTS. This fact sheet reflects possible changes in the future. Every family is different, and while the Public Charge Test may scare you, it does not affect all families, and only the programs listed below are impacted by the rule change, should it occur.

Everyone attempting to adjust their status is subject to the Public Charge Test, but YOU WILL LIKELY NOT BE AFFECTED by changes to the public charge rules.

FOLLOW THIS MAP to see if you may be subject to the Public Charge Test.

APPLYING FOR A GREEN CARD? ...OR... APPLYING FOR CITIZENSHIP?

Will you be applying to adjust your status from INSIDE THE U.S.?

YES NO

Will you be applying to adjust your status from OUTSIDE OF THE U.S.? (example: Ciudad Juarez)

YES NO

Are you using any of the following PUBLIC BENEFITS?

- Cash Assistance Programs
- Supplemental Security Income (SSI) for the aged, blind, or disabled
  - Cash Assistance Program for Immigrants (CAPI) in California
- Temporary Assistance for Needy Families (TANF)
  - CalWorks in California
- Long-term nursing home care or other residential care paid for by Medi-Cal
- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “food stamps”)
  - CalFresh in California
- Federal Public Housing and Section 8 Assistance
- Medicaid, EXCEPT FOR emergency services, children under 21 years, pregnant women and new mothers up to 60 days from giving birth.

YES NO

You MAY be subject to the PUBLIC CHARGE TEST and be affected by public charge rules.

SEEK LEGAL HELP
SHOULD I DISENROLL FROM PUBLIC BENEFITS?

The health and wellbeing of you and your family is important! Please know that using public benefits alone will not mean that you fail the public charge test. Immigration officials will need to look at other factors to determine if you do or do not pass the public charge test. This is known as “totality of circumstances.” The “totality of circumstances” looks at factors that include your age, health, income, assets, resources, education/skills, family, and employment. Positive factors, like your education and employment, can outweigh your use of public benefits.

SEEK LEGAL HELP

Please consult with an immigration attorney or BIA-accredited representative about your own situation:
www.ready-california.org/legal-service-directory

DON’T WORRY.

✅ Benefits used by eligible family members don’t count unless family members are also applying for a green card— if your children are citizens and use one of the benefits on the chart on the reverse side, it won’t count against you!

✅ Benefits used before the rule goes into effect will not be considered in public charge determinations. The only exceptions are cash assistance and long-term care.

Medicaid for children under 21, pregnant women, new mothers, and emergency services will not be considered in public charge determinations.

Not all benefits are included in the changes to the Public Charge Test. The following programs are SAFE to use if you are eligible (for a list of benefits that ARE included, please refer to the chart on the reverse side):

✔️ WIC (The Special Supplemental Nutrition Program for Women, Infants, and Children)
✔️ CHIP (Children’s Health Insurance Program)
✔️ Shelters
✔️ Covered California Subsidies
✔️ Earned Income Tax Credits
✔️ School Lunch
✔️ Food Banks

The Public Charge test does NOT apply to every immigrant. Those not affected include:

✔️ Refugees or Asylees
✔️ Survivors of domestic violence, or other serious crimes (U visa applicants/holders)
✔️ Special immigrant juveniles

✔️ Violence Against Women Act (VAWA) self-petitioners
✔️ Legal Permanent Residents (LPRs) applying for U.S. Citizenship
✔️ Other categories of humanitarian immigrants may be exempt

LEARN MORE AT THESE WEBSITES:
www.childrenspartnership.org/what-we-do/public-charge
www.protectingimmigrantfamilies.org

TO JOIN OR REQUEST A PUBLIC CHARGE RELATED EVENT, EMAIL:
allinforhealth@childrenspartnership.org