PUBLIC CHARGE is a rule immigration officials use to approve or deny a family-based application for a green card (lawful permanent residency or LPR status), or certain other visas. 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 government recently finalized the rule on public charge which confirms that immigration officials have limits when making a public charge determination.

THE FINAL PUBLIC CHARGE RULE TAKES EFFECT DECEMBER 23, 2022: immigrants can access health care, food and housing support, and many more public benefits without fear of immigration consequences.

Every family is different, and while the Public Charge Test may make you nervous, use this roadmap to help you and your family get informed.

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

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

PUBLIC CHARGE DOES NOT APPLY

Is the APPLICANT using any of the following PUBLIC BENEFITS? (Do not count children or other eligible family members)

- Cash Assistance Programs
  - Supplemental Security Income (SSI) for the aged, blind, or disabled
  - State, Tribal, territorial, or local cash benefit programs for income maintenance often called “General Assistance” or “General Relief” (GR) in California
    - Cash Assistance Program for Immigrant Families (CAPI)
  - Temporary Assistance for Needy Families (TANF)
    - CalWORKs in California
  - Long-term nursing home care or other residential care paid for by Medi-Cal

You MAY be subject to the PUBLIC CHARGE TEST.

SEEK LEGAL HELP

Immigration must weigh other factors (income, health, skills) when making a public charge determination.

PUBLIC BENEFITS

SHOULD NOT BE A FACTOR

As of January 2023

FIGHT FEAR WITH FACTS!

KNOW YOUR RIGHTS.

Follow the map to see if you may be subject to the Public Charge Test.
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” test 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 CASH benefits or long-term institutionalized care paid for by Medi-Cal.

Learn more at:
www.keepyourbenefits.org

SEEK LEGAL HELP

Please consult with an immigration attorney or BIA-accredited representative about your own situation. A list of nonprofit organizations qualified to assist individuals is available on the California Department of Social Services (CDSS) website.

Scan the QR code to visit the CDSS website:
https://www.cdss.ca.gov/benefits-services/more-services/immigration-services/immigration-services-contractors/public-charge-contact-list

To learn more, visit: bit.ly/TCP-PC
OR: www.protectingimmigrantfamilies.org

To join or request a public charge related event, email: allinforhealth@childrenspartnership.org

THE PUBLIC CHARGE TEST DOES NOT APPLY TO EVERY IMMIGRANT, including:

- Refugees
- Asylees
- Survivors of domestic violence, or other serious crimes (U or T visa applicants/holders)
- Violence Against Women Act (VAWA) self-petitioners
- Lawful Permanent Residents (LPRs) applying for U.S. Citizenship
- Lawful Permanent Residents (LPRs) applying for green card renewal
- Special immigrant juveniles
- Those applying for or re-registering for Temporary Protected Status
- Certain Cuban and Haitian entrants
- Other categories of humanitarian immigrants may be exempt

Don’t Worry.

- Benefits used by eligible family members, like U.S. citizen children, do NOT count against you— if your children are citizens and use health, housing, food benefits, or cash aid, it will NOT be used against you in a public charge determination.
- Do you already have a green card? Public charge does NOT apply. BUT, if you receive cash assistance benefits and plan to leave the U.S. for more than 6 months, get immigration legal advice (for a list of cash assistance benefits that ARE included in the public charge rule, please refer to the chart on the reverse side).

The final rule clarifies that use of most non-cash public benefits programs will NOT be considered in the changes to the Public Charge Test. These 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):

- CalFresh or SNAP
- WIC (The Special Supplemental Nutrition Program for Women, Infants, and Children)
- Schools meals
- Food banks
- Immunizations or testing/treatment for communicable diseases such as COVID-19
- Medi-Cal (except in the case of long-term institutionalized care, also known as skilled nursing home care)
- Covered California subsidies
- Medicare
- CHIP (Children’s Health Insurance Program)
- In-Home Supportive Services Program
- Federal Public Housing and Section 8 assistance
- State and Federal Child Tax Credit (CTC) or Earned Income Tax Credits (EITC)
- Disaster assistance, pandemic assistance, utility assistance, childcare assistance
- Shelters

HEALTH CARE FOR ALL FAMILIES

Learn more at these websites:
www.allinforhealth.org/public-charge
www.protectingimmigrantfamilies.org

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