

# PUBLIC CHARGE will it affect me?

As of January 2023



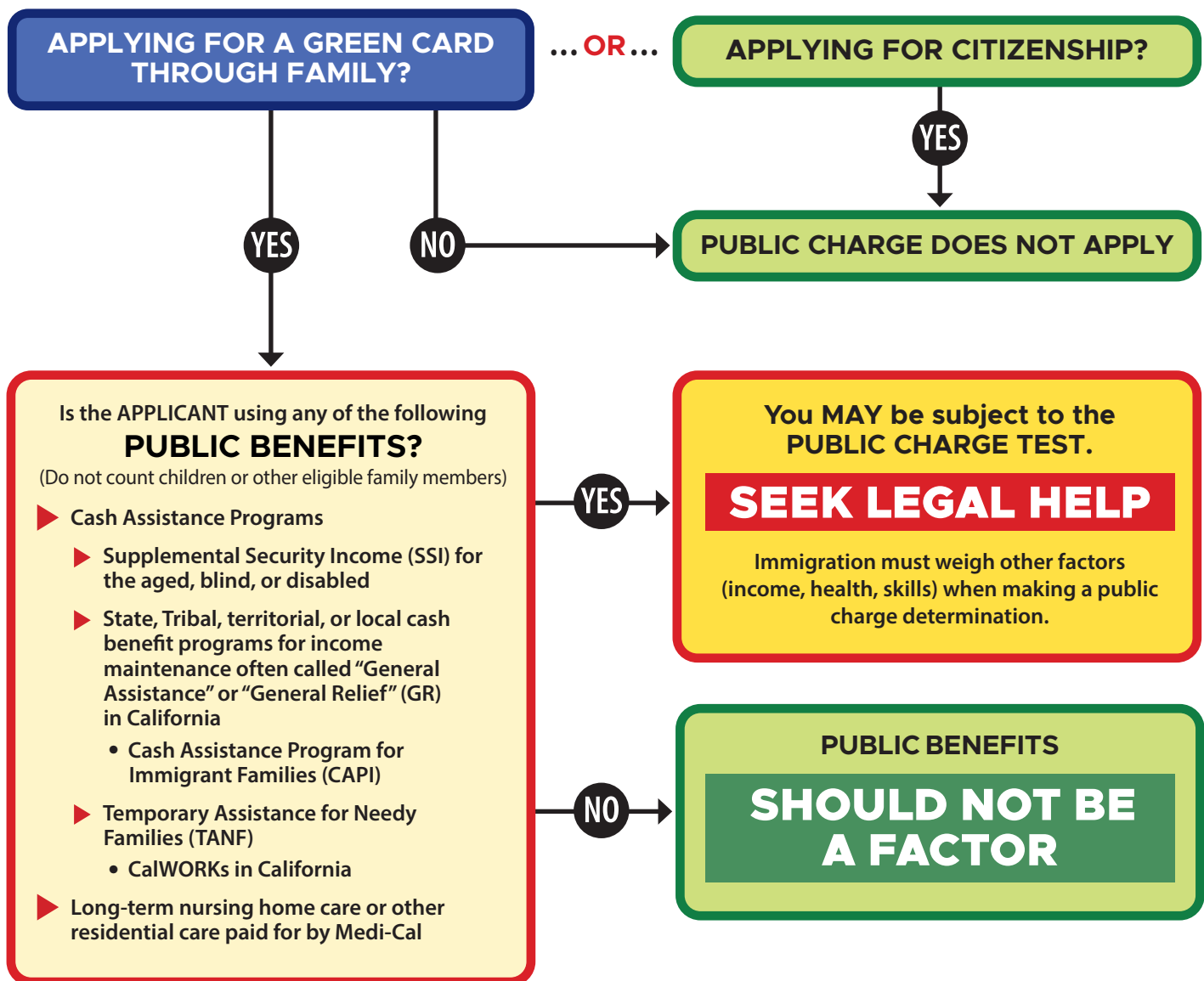
**PUBLIC CHARGE** is a rule immigration officials use to approve or deny a family-based application for a green card (lawful permanent residency or LPR status), or certain other visas. Immigration officials use the term “public charge” to refer to people who are likely to become dependent on the government 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.



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

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

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

## 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](http://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](https://bit.ly/TCP-PC)  
OR: [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)

To join or request a public charge related event, email:  
[allinforhealth@childrenspartnership.org](mailto:allinforhealth@childrenspartnership.org)



HEALTH CARE FOR ALL FAMILIES

A PROJECT OF  
The Children's Partnership



Learn more at these websites:  
[www.allinforhealth.org/public-charge](http://www.allinforhealth.org/public-charge)  
[www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)