

PUBLIC CHARGE

2024 UPDATE



**Fight
Fear with
Facts!**

**KNOW YOUR
RIGHTS.**

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 for support.

THE FINAL PUBLIC CHARGE RULE clarifies that immigrants can access many vital public benefits, including health care, food and housing support, without fear of immigration consequences. Every family is different, and while the Public Charge Test may make you nervous, use this roadmap to stay informed. Visit keepyourbenefits.org for the latest updates.

**Also applies to people applying for a green card from outside the U.S. and certain people who have a green card but plan to leave the country for more than 6 months.*

WILL IT AFFECT ME?

Follow this ROADMAP to see if you may be subject to the PUBLIC CHARGE TEST

APPLYING FOR A GREEN CARD THROUGH FAMILY?

YES

NO

PUBLIC CHARGE DOES NOT APPLY

Is the APPLICANT using any of the following
PUBLIC BENEFITS?

Do NOT count children or other eligible family members that are using these public benefits.

▶ 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 care at an institution, such as a nursing home, paid for by Medi-Cal

Learn more online at: keepyourbenefits.org

YES

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.

NO

PUBLIC BENEFITS

**SHOULD NOT BE
A FACTOR**

PUBLIC CHARGE

2024 UPDATE

If your U.S.-citizen children or eligible family members are using health care, housing, food benefits, or cash aid, it will NOT negatively impact your immigration status or application for a green card.

Most non-cash public benefits programs are SAFE to use if you are eligible (for a list of benefits that count for the Public Charge Test, please refer to the chart on the reverse side):

Health

- ✓ Medi-Cal (except in the case of long-term institutionalized care, like in a nursing home paid for by Medi-Cal)
- ✓ Medicare
- ✓ Covered California subsidies
- ✓ CHIP (Children's Health Insurance Program)
- ✓ In-Home Supportive Services Program

Housing & Taxes

- ✓ Federal public housing
- ✓ Section 8 assistance
- ✓ Shelters

Food Assistance

- ✓ CalFresh or SNAP
- ✓ WIC (The Special Supplemental Nutrition Program for Women, Infants, and Children)
- ✓ School meals
- ✓ Food banks
- ✓ Summer EBT

Additional Assistance

- ✓ Child care assistance
- ✓ State and Federal Child Tax Credit (CTC) or Earned Income Tax Credits (EITC)
- ✓ Disaster assistance, pandemic assistance, and utility assistance

Some immigrants exempt from the Public Charge Test:

- ✓ Refugees
- ✓ Asylees
- ✓ 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
- ✓ U visa or T visa applicants/holders
- ✓ Special immigrant juveniles
- ✓ Those applying for or reregistering for temporary protected status
- ✓ Certain Cuban and Haitian entrants
- ✓ Other categories of humanitarian immigrants may be exempt

GET INFORMED BEFORE DISENROLLING FROM PUBLIC BENEFITS

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 pass. This is known as totality of circumstances, which includes 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.



Before you decide to disenroll, remember that the health and well-being of you and your family are important!

For latest updates, scan the QR code or visit: [keepyourbenefits.org](https://www.keepyourbenefits.org)

LEGAL SUPPORT



Please consult with an immigration attorney or BIA-accredited representative about your own situation. An online list of qualified nonprofit organizations that offer free or low-cost assistance is available from the **California Department of Social Services (CDSS)**.

CDSS

CDSS website: scan the QR code or visit: <https://bit.ly/PublicChargeHelp>



For more information and resources:

Scan this QR code or visit:

www.allinforhealth.org

