



CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY PUBLIC CHARGE GUIDE

October 2019

UPDATE: New federal policy did NOT go into effect on October 15, 2019.

As of October 11, 2019, multiple federal courts have preliminarily prevented this new federal policy change from going into effect nationwide. No final decision has been made about if or when the federal policy goes into effect. In the meantime, the current public charge policy stands.

Every family is different, reach out for legal advice.

It is important to have accurate information so you can make the right choice for the health and well-being of your family. If you have questions about your specific situation, an immigration or public benefits attorney can give you advice based on your specific situation. You can find a list of legal services providers on the California Department of Social Services [website](#).

NOT all immigrants are subject to a public charge.

Lawful permanent residents (green card holders) who apply for citizenship, Refugees, Asylees, Special Immigrant Juveniles, certain trafficking victims, certain victims of qualifying criminal activity, or certain victims of domestic violence, among others are **NOT** subject to the public charge determination.

Different rules apply to immigrants applying to enter the United States from outside the country. Please consult an immigration attorney if your family plans to apply for a green card or visa from outside of the United States.

NOT all programs are subject to a public charge.

If it is eventually implemented, the new federal policy will not change eligibility for any public benefits. While there are many circumstances that go into determining whether an individual is a public charge, the following events alone do not impact a person's public charge status under the current public charge policy or the new policy that was preliminarily stopped by the courts:

- ✓ If your child who is a United States Citizen uses a public program they are **NOT** impacted.
- ✓ If you are only receiving nutrition benefits through the Women, Infants, and Children Program or WIC, your WIC benefits are **NOT** impacted.
- ✓ If you are under the age of 21 and only receiving Medi-Cal benefits, your benefits are **NOT** impacted.

Public Charge Determinations

Under longstanding federal policy, the Federal Government can deny an individual entry into the United States, or adjustment to lawful permanent resident status (a green card), if he or she is determined likely to become a public charge. Legal permanent residents, returning to the United States after more than 180 days abroad, are subject to a public charge determination.

Public charge is a term used in immigration law to refer to a person who is primarily dependent on the government for subsistence.

Application for or use of certain public benefits is just one factor of many that is considered in determining if a person is likely to become a public charge. Cash assistance and long-term care services are counted.

Public Charge Context

In August of 2019, the Federal Government released a new public charge policy in an attempt to redefine the term broadly.

Under the new federal policy, a public charge would have been redefined as an immigrant who receives one or more public benefits for more than 12 months over a 36-month period.

Previously excluded Medi-Cal and CalFresh benefit programs would have counted towards a public charge determination, with certain exceptions.

Need More
INFORMATION?



<https://immigrantguide.ca.gov>

FAST FACTS

California is home to many newcomers from all over the world. In an effort to integrate immigrants, California offers services that help immigrants become part of the social, economic and civic fabric of our state.

11 million

Californians are foreign born

1 in 2

Children in California has at least one immigrant parent

74%

Non-citizens live in households with a citizen

\$715 billion

Immigrants' contribution to California's economy

35%

California's civilian workforce is comprised of immigrants

4.7 million

Californians live with an undocumented family member

- ✓ If you are only receiving subsidies for health insurance coverage through Covered California, your subsidies and coverage are **NOT** impacted.
- ✓ If you are a pregnant woman, or within 60 days following the birth of a child, and only receiving Medi-Cal benefits, your benefits are **NOT** impacted.
- ✓ If you are only covered for Medi-Cal emergency medical services, your benefits are **NOT** impacted.

Programs that were included in the new federal policy.

Until the federal courts rule otherwise, the below programs will **NOT** be included in public charge determinations.

- ✓ CalFresh or SNAP
- ✓ Medi-Cal or Medicaid
- ✓ In-Home Supportive Services

Programs currently part of a public charge.

If you need to use these programs and are concerned about public charge determination, consult with an immigration or public benefits attorney to better understand the impact of accessing public programs, including:

- ✓ Supplemental Security Income
- ✓ CalWORKs or TANF
- ✓ State and local cash assistance programs
- ✓ Public assistance for long-term care in an institution

Keep appointments that have been scheduled.

The ultimate decision whether the policy will be implemented in the future remains pending in the federal courts. Benefits, other than cash assistance and long-term care services, used before the new federal policy is implemented, will not be considered in a public charge determination. Please consider consulting a qualified immigration attorney about whether or not this may affect your case before canceling any health care and other critical services, including any appointments that have been scheduled.

Family members accessing public programs.

The Federal Government will consider only public benefits received directly by the person who is applying for the change in status, or if they're listed as a beneficiary of the benefit. This means that your family members accessing public programs will have no impact on you.

