



FIVE THINGS TO KNOW PUBLIC CHARGE

The Trump administration recently announced that it will be harder for some people to receive a green card through a family member or some visas if they use Medi-Cal, SNAP, and subsidized housing. This change to the “public charge” rules was formally announced on August 14, 2019, but does not go into effect until October 15, 2019. Legal challenges may further delay this change.

Not everyone needs to worry about this new public charge rule. Many people are not affected by this rule and can use public benefits without consequences. Read below for more information about whether public charge affects you!

Here are five essential facts about public charge for green card holders (LPRs), undocumented immigrants, and people applying to sponsor a family member.

IF YOU ARE A GREEN CARD HOLDER (LAWFUL PERMANENT RESIDENT):

1. Generally, people who already have a green card are not affected by public charge.
2. There is no public charge test to renew a green card.
3. Green card holders cannot be deported simply for using public benefits. It is very difficult for the government to deport a green card holder for being a “public charge.”
4. This public charge rule could apply if a permanent resident leaves the United States for more than 180 days. If a green card holder travels outside the United States for more than 180 days during one trip, the government can ask questions to see if the person is a “public charge” upon returning to the U.S. It is important for green card holders to speak to a trusted immigration attorney or accredited representative before leaving the United States for more than 180 days.
5. There is no public charge test to apply for citizenship. However, an immigration official might ask you questions about receiving public benefits to figure out if you received a benefit when you were not eligible for it. You should review your public benefits history with a trusted legal representative before applying for citizenship.

IF YOU ARE UNDOCUMENTED:

1. The State of California does not tell ICE when you sign up for a public benefit.
2. If you are not eligible to apply for a green card now, there is no reason to give up needed benefits. If you are not applying for a green card now, even if you plan to apply many years in the future, there may be no benefit to giving up necessary benefits now.



NOTE: People who plan to apply for a green card through a family member should speak to a trusted immigration attorney or accredited representative to receive advice specific to your situation!

3. The public charge test only affects some people who are applying for a green card through a family sponsor or petition, or applying for certain temporary visas abroad. The new changes to public charge only affect these applications filed in the U.S. on or after October 15, 2019.
4. Some immigrants do not have to worry about a public charge test. These people can use public benefits without problems because public charge doesn't apply to them. These people include:
 - Refugees, asylees, and people applying for asylum
 - People applying for a U visa (victims of crime), T visa (victims of trafficking), VAWA (certain victims of domestic violence), and Special Immigrant Juveniles Status (children who have been abused, abandoned, or neglected)
 - People applying for a green card based on already having a U visa, T visa, VAWA, asylum, or refugee status
 - People renewing TPS or DACA
5. Anyone who wants to submit an immigration application should work with a trusted immigration attorney or accredited representative to prepare a strong application.

IF YOU WANT TO SPONSOR A FAMILY MEMBER TO COME TO THE U.S.:

1. There is no public charge test to naturalize. You can become a U.S. citizen even if you have used benefits or need a fee waiver for your application. There is no public charge test to renew a green card.
2. You can sponsor a family member and still use public benefits.
3. If you are sponsoring your family member and do not have enough income to support your family member, you can add a second ("joint") sponsor who has enough income to support the family member. It's important to review your family member's financial documentation with a trusted immigration attorney or accredited representative to prepare a strong application and decide whether a joint sponsor is needed.
4. If your family member is going to a visa interview inside the U.S., only your family member's use of certain benefits can be counted against them.
5. If your family member is going to a visa interview outside the U.S. at a consulate, your use of benefits might show that you cannot financially support your family member—in this case, a joint sponsor might be needed. It is good to talk to a trusted attorney or accredited representative to help prepare the case.

EVERY FAMILY SHOULD GET A COMPREHENSIVE IMMIGRATION LEGAL SCREENING.

Free or low-cost help is available at immigrationadvocates.org/nonprofit/legaldirectory