



PUBLIC CHARGE:

WHAT THE COMMUNITY NEEDS TO KNOW ABOUT PUBLIC CHARGE

WHAT IS PUBLIC CHARGE?

A test to determine if someone applying for permanent residence (a 'green card') through a relative or a visa to enter the United States is likely to depend on public benefits in the future. If the person is found to be a public charge, their application can be denied.

WHO DOES PUBLIC CHARGE AFFECT?

It only applies to **people applying for Permanent Residence through a U.S. citizen or permanent resident relative** or for a visa to enter the United States. No other types of immigration cases are impacted!

WHAT HAPPENED WITH THE NEW PUBLIC CHARGE RULE?

A new public charge rule was announced in August 2019 that would make the test more difficult. There were several lawsuits against this change and different federal courts stopped its implementation while the legal challenges are decided. As a result, **there has been no change to the public charge rule**. However, the rules are different for people applying for permanent residence through a relative at an embassy or consulate abroad.

DOES PUBLIC CHARGE AFFECT MY ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS?

No! Public charge does not impact eligibility for health and public benefits programs. If you qualify for certain public benefits, you are still eligible.

WHO IS NOT AFFECTED BY PUBLIC CHARGE?

Many immigrants do not have to worry about public charge, for example:

- **Refugees** and **asylees**
- People with a **U Visa**, **T Visa**, **VAWA**, or **SIJS**
- **DACA** and **TPS** applicants
- The majority of **permanent residents**
- **U.S. Citizens**

I WANT TO APPLY TO BECOME A U.S. CITIZEN, WILL IT HURT MY CASE IF I USE BENEFITS?

No! There is no public charge test for naturalization, the process to become a U.S. citizen. Permanent residents that travel outside the U.S. for more than 180 days on any single trip could be subject to public charge.

WHAT IF MY CHILDREN OR OTHER FAMILY MEMBERS RECEIVE PUBLIC BENEFITS?

The rule only considers benefits received by the person applying for permanent residence or the visa. Family members receiving benefits, like U.S. citizen children, will not count against you. If you are ready to become a permanent resident, consult with an immigration expert. Right now, the rules are different for people that have to leave the U.S. for their immigration interview.

I HAVE QUESTIONS...WHAT SHOULD I DO?

Consult an immigration expert to discuss your individual case before making important decisions about the well-being of your family. Visit <https://ready-california.org/legal-service-directory/> to find a trusted legal service provider in your area.