



COMMUNITY MESSAGES

PUBLIC CHARGE

CORE MESSAGES TO SHARE WITH THE COMMUNITY:

- The new public charge policies went into effect on February 24, 2020, but the courts are still deciding whether the changes are legal. This means that the new policies might eventually be stopped.
- Many immigrants are unaffected by these public charge changes because they are not subject to a public charge test at all. Anyone who is undocumented and not planning to apply for an immigration benefit is not subject to public charge. Refugees, asylees, U visa holders, T visa holders, VAWA self-petitioners, Special Immigrant Juveniles, U.S. citizens—or applicants for any of these—are not subject to public charge. Most permanent residents are also not subject to public charge, nor are TPS applicants or people applying to renew their DACA.
- The new public charge policies do not apply to green card applications pending with U.S. Citizenship and Immigration Services (USCIS) before February 24, 2020. However, the new policies apply to cases that will be decided at U.S. consulates and embassies abroad if their interview is on or after February 24, 2020 (even if already pending).
- The new public charge rules do not change who is eligible for health and other public benefits programs. Immigrants who qualify for certain public benefits remain eligible.
- Under the new public charge rules, many government-funded services are still safe to use and do not cause any immigration harm. Head Start, WIC, free and reduced cost school meals, disaster relief, and many other programs all remain safe to use.
- The new public charge test considers only use of exclusively federally-funded Medicaid (called Medi-Cal in California, with exceptions for emergency, pregnancy and 60 days after a pregnancy, and use by children under 21); federally-funded food stamps (called SNAP, or CalFresh in California); federal public housing, Section 8 housing assistance and project-based rental assistance; federal, state, and local cash assistance; *and no other programs*. (Note: in California, use of Medi-Cal by children and young adults up to age 26 is not part of the public charge test.)
- Under the new public charge rules, use of benefits by family members, such as children, are not counted against the applicant for immigration status. If a U.S. citizen or green card holder wants to sponsor a family member to come to the United States, the family member will have a public charge test, not the sponsor. If the family member's application to come to the United States is decided in the U.S., immigration officers may consider the sponsor's use of public benefits in determining the sponsor's likelihood of supporting their family member financially, if it becomes necessary.
- The public charge test focuses on many facts, not just use of benefits, like the applicant's age, income, and education.
- Immigrant families should consult an immigration law expert before making important decisions about the well-being of their families, because it is possible that there are no immigration consequences of their accessing health and public benefits programs for which they qualify.

"Public charge" is an immigration law term that refers to someone who may need government assistance (public benefits) in the future.