



SEPTEMBER 2020

COMMUNITY MEETING **POWERPOINT WITH PRESENTATION SCRIPT**

TIPS ON PREPARATION OF A PUBLIC CHARGE PRESENTATION

ROLE OF THE PRESENTER

- Your role as a presenter is to empower members of the immigrant community and those who represent them with accurate information on public charge. Your goal is to inform people so that they can make decisions about public benefits and the impact that might have on their specific situation.
- The issue of public charge touches on many disparate topics, including immigration law, public benefits eligibility, healthcare, and immigrant sponsor requirements. The presenter does not have to know everything about these topics. For presenters that want more information, in-depth public charge advisories are available on our website at www.ilrc.org/public-charge.
- It is important to never give legal advice on immigration matters unless you are an attorney or a DOJ-accredited representative. Doing so could result in unauthorized practice of law, which carries civil and criminal penalties. Instead, give general information from this toolkit's Sample Audience Questions and Answers, and direct people to the websites listed under "Smart Referrals" in this toolkit's Introduction, Objectives, and Toolkit Materials to locate free and low-cost legal services providers.

PRESENTATION BEST PRACTICES

- Be clear on what you will and will not cover. This will help the audience understand what the key information is for them to remember.
- Review your materials.
- Practice.
- Lead with confidence, not panic. This is important because the changes in the public charge rules have increased fear in our communities, often without good information about what the current law is, and which groups are impacted by public charge. Offering assurances about which people are not affected and what public benefits will not impact community members, when possible, will help your audience make important decisions based on knowledge, not fear.
- Know your audience. The level of complexity of this presentation can be modified depending on whether you are talking to community members, community organization leaders, etc. The size of your group might determine your level of formality as well. If possible, determine in advance how much your audience already knows about public charge, and what information would be helpful for them to hear about.



INITIAL PREPARATION FOR A PRESENTATION

- Reserve a site available for your date and time. Public community venues such as churches, schools, and libraries may be more familiar to community members than private venues and may not charge a fee for the event.
- Consider partnering with another local organization that also works with immigrant communities. For example, legal services presenters often collaborate with health services groups. Public charge presentations might persuade immigrants to seek out individual consultations with attorneys or DOJ-accredited representatives to better understand their options, so presenters could provide a referral to free or low-cost legal services providers. See the websites listed under “Smart Referrals” in this toolkit’s Introduction, Objectives, and Toolkit Materials.
- Consider inviting co-presenters who may have expertise in immigration law, public benefits, or access to healthcare. If you decide to bring in additional outside speakers, it is important to schedule their participation in advance, and to hold meetings or conference calls with them to agree on the content and format of the presentations prior to the event.
- Advertise the event. Design a flyer with the location, date, and time of the event that describes the topics to be covered and the presenters. Distribute this flyer locally and through traditional and social media.

FINAL PREPARATION FOR A PRESENTATION

- Create an agenda. The agenda should describe the topics you will cover, the presenters assigned to each, and the timing of each presentation. The agenda will help you and your co-presenters stay on schedule.
- Think about how much time you have for the topics you will cover each time you give a presentation. Sometimes you will have 5-10 minutes to cover the general topic of public charge; other times the main issue for the meeting will be public charge. Adjust how you will present accordingly!
- Copy and prepare handouts that are relevant to your audience. For example, some of the flyers and materials included in this toolkit may be most helpful for community members who are deciding whether public charge affects them personally; other resources may be most helpful for community organization leaders who are educating community members about public charge.
- Many hands make light work! Organize volunteers for setup, registration, and cleanup of the venue.

SAMPLE PRESENTATION AND SCRIPT FOR PUBLIC CHARGE PRESENTATION

AGENDA

Present with Slides (3–25 minutes: 25 minutes for full presentation; see below for length of modules)

- What Is Public Charge and To Whom Does It Apply? (Module 1; 3-5 minutes)
- How Does the Public Charge Test Work? (Module 2; 10-15 minutes)
- COVID-19 and Public Charge (Module 3; 5 minutes)



Answer Questions (10 minutes)

- You can use this toolkit's [Sample Audience Questions and Answers](#) and [Community Messages: Public Charge](#) to help answer questions, or even hand out these materials to the audience if you are not comfortable taking questions.

*You can shorten [this presentation](#). If you have less time or do not have a projector, for instance, you can always use handouts to lead your discussion. The [Sample Audience Questions and Answers](#) and [Community Messages: Public Charge](#) documents are good resources for short presentations with handouts. Also, as denoted in parentheses in the "Agenda" above, you could also cover one or more shorter, discrete modules, with or without slides, and with or without supplementary handouts. For example, you could cover what public charge is and to whom it applies as one module, how the public charge test works as another module, and COVID-19 and public charge as a different module.

SCRIPT

INTRODUCTIONS AND OPENING

Trainers should introduce themselves and describe the purpose of the presentation: to distribute accurate information about public charge, to empower the immigrant community and minimize unwarranted panic, to advise people of the current public charge rules, and to share available resources.

Sample openings:

1. How many people here today have heard that you will have problems with immigration if you use public benefits? How many people want to apply for a family member to come to the United States, or know someone who does? How many people are scared to turn in any kind of application to Immigration right now?
2. There has been a lot of scary information about immigration circulating in the community recently, and news about public charge rules are one of the reasons that people are nervous. Many people are worried that they will be deported if they use public benefits because the government might think they are a "public charge." We will talk about what the current rules say about applying for a green card in the United States and which public benefits are OK to use. We will describe which groups are not subject to public charge rules at all, because public charge does not apply to everyone.



NOTE: The PowerPoint
slides are available for
download [here!](#)

[Title slide – insert your title and organization logo]

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SPEAKER NOTES: The goal of today's presentation is to share accurate information about public charge with the immigrant community so that they can make informed decision about public benefits. I will talk about what public charge is and who it applies to. I will also talk about how the public charge test works. Lastly, I will talk about COVID-19 and how it has affected the immigrant community, as well as public charge concerns stemming from COVID-19-related assistance funds.

There has been a lot of confusion around public charge over the past couple of years. Now with COVID-19, it has never been a more important time to talk about what supportive services immigrants can receive without any effect on their immigration legal options.



What is public charge and to whom does it apply?

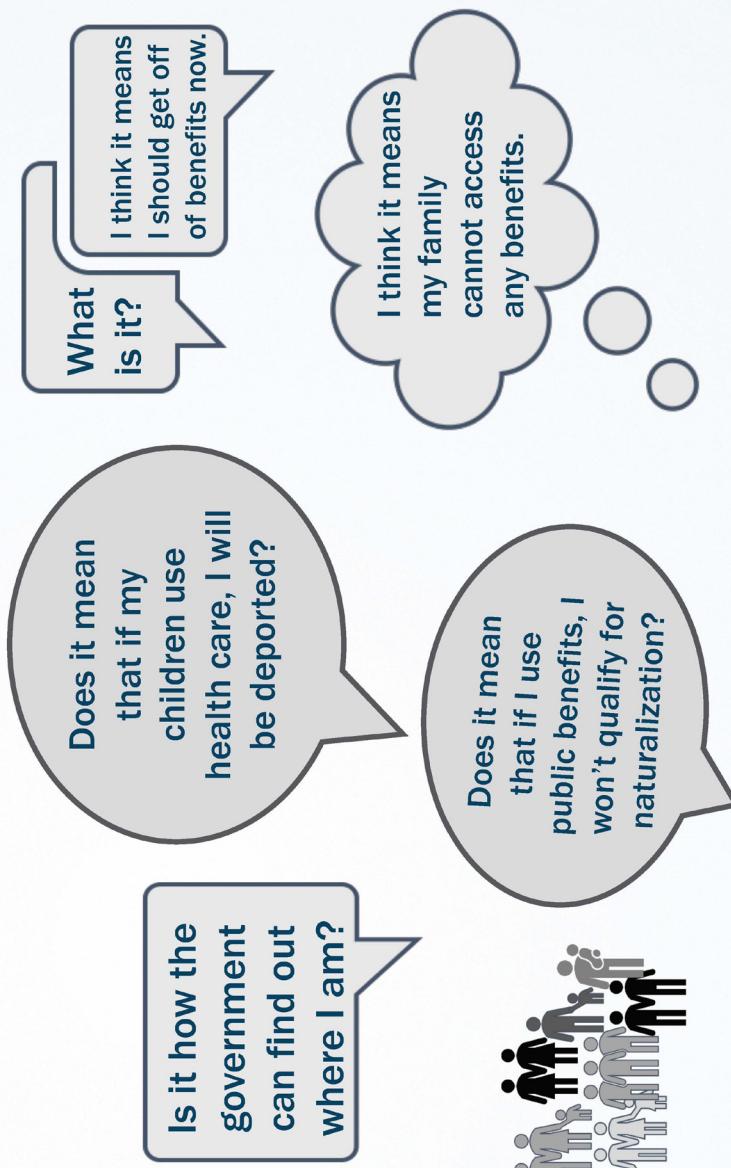
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SPEAKER NOTES: The first part of this presentation will address what public charge is and who it applies to.



What is Public Charge?



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SPEAKER NOTES: So let's get started. What is public charge?

There has been a lot of intimidating information about immigration circulating in the community over the past few years, and news about public charge rules is one of the reasons many immigrants are feeling anxious right now.

But what exactly is public charge? There are many myths about public charge. Some people are worried they will be deported if they or their children use government subsidized health care, because the government will think they are a public charge. Others are worried that "public charge" means their family is not eligible for any benefits, for example. Public charge is not any of these things.



Public Charge

- A test in U.S. immigration law that applies to two types of cases:

- Applying for a visa to enter the United States
- Applying for permanent residence (a “green card”) through a family member
- The “public charge test” is part of these applications. It assesses if someone is likely to depend on public benefits programs in the future.

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SPEAKER NOTES: Public charge is a test in immigration law that only applies to two types of cases: if you are applying for a visa to enter the United States, and if you are applying for permanent residence, which is also called a “green card,” through a family member.

The test evaluates if an applicant for one of these two types of immigration benefits seems likely to depend on public benefits in the future. If immigration officials decide that the applicant is likely to depend on public benefits in the future, they can deny the person’s green card or visa application.

Many Immigrants Are Not Subject to Public Charge

- Refugees and asylees
- Young people with SIJS
- U visa and T visa
- VAWA self petitioners
- DACA applicants
- TPS applicants
- Most legal permanent residents (LPRs)
- Naturalization (citizenship) applicants
- U.S. citizens
- Others

But public charge
may apply
if seeking green card
through U.S. citizen or
LPR petitioning family
member!

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SPEAKER NOTES: Because the public charge test only applies to two kinds of cases, many immigrants are not subject to public charge. For example, a person who comes to the United States as a refugee or a person who is already in the United States and applies for asylum does not have a public charge test. U visa applicants, T visa applicants, young people who are applying for Special Immigrant Juvenile Status, and VAWA self-petitioners also do not have a public charge test. People who are applying to renew DACA or who are applying for TPS also do not have a public charge test. And permanent residents who are applying for naturalization to become a U.S. citizen are not subject to a public charge test. Most permanent residents also do not have to worry about public charge, unless they travel outside of the United States for more than 180 days on one single trip.

So again, all these people can access public benefits they are eligible for and do not have to worry about it affecting their immigration status. This is because they do not have a public charge test in their future.

Note the red box, though. Public charge may apply to some of the people on this slide if they apply for legal permanent residence through a U.S. citizen or permanent resident family member.



How does the public charge test work?

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SPEAKER NOTES: The second part of this presentation will address how the public charge test works.



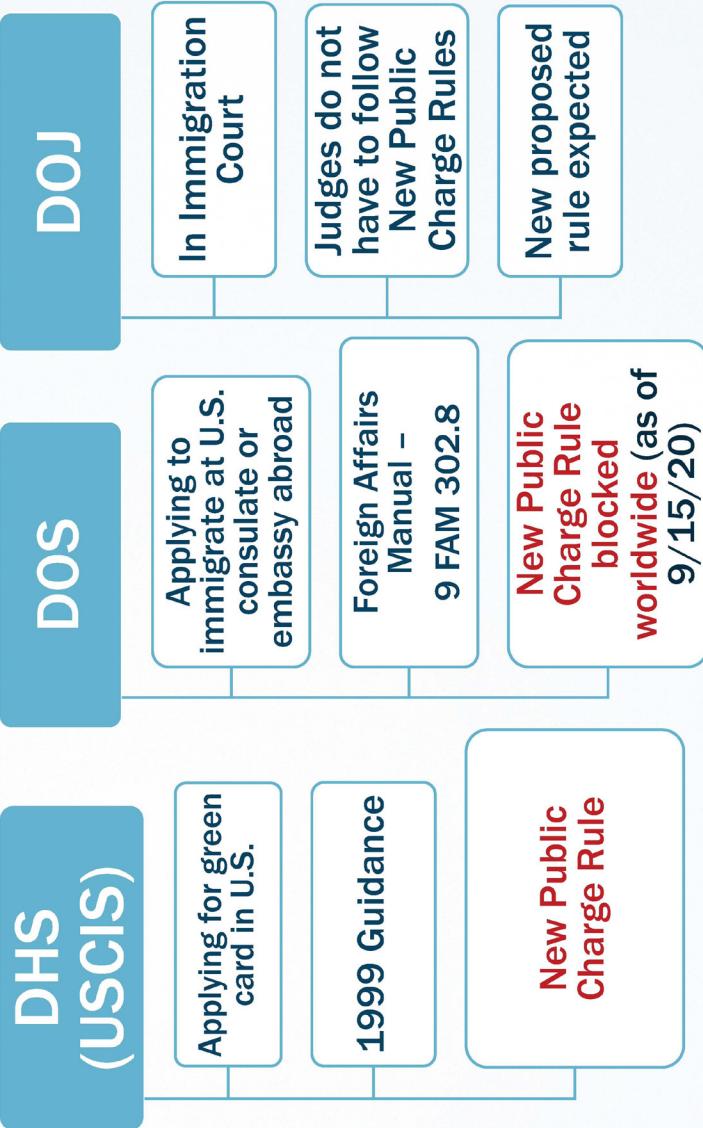
The Public Charge Test

Age	Education
Skills	Income or Assets
Employment	Health
Sponsor Contract	Certain Benefits Use

SPEAKER NOTES: As I explained earlier, many immigrants are not subject to public charge, so they will not have a public charge test in their future. But what if you *will* face a public charge evaluation, because you are applying for a green card through a family member, or for a visa to enter the country? This is a snapshot of the public charge test.

As a reminder, immigration officials use the public charge test to see if an immigrant is likely to use certain government services in the future. The officers look at *all* an immigrant's circumstances to try to predict this, not just *prior* use of public programs. As you can see on the slide, officers consider all sorts of factors in a person's case, and things like having a good income, having a job, being healthy, having a high school diploma, and having a sponsor in support of your application will help you in the public charge test.

Who will decide your case?



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SPEAKER NOTES: Remember, public charge is a test applied when you ask for admission to the United States, or when you ask for permanent residence in the United States. Different government agencies decide the case depending on where you are applying, and there are different public charge rules at each agency. There are the public charge rules and guidance from the Department of Homeland Security (DHS), the Department of State (DOS), and the Department of Justice (DOJ). Which of these rules applies depends on whether the application is processed in the United States by USCIS, in which case the DHS rules would apply, or if the application is processed by a consular officer abroad, in which case the DOS rules would apply. There may also be a new public charge rule coming out of the DOJ, but it has not come out yet, so we will not be talking about it today.



Old USCIS Public Charge Policy (1999 Guidance)

Public charge =
primarily dependent on the government for income support

Programs that “count” towards public charge:

- Cash assistance for income maintenance
- Long-term institutionalization paid for by Medicaid (Medi-Cal)

Programs that do not “count” towards public charge:

- Health, nutrition, and housing programs
- Any non-cash assistance

Benefits used by family members do not count against the applicant!

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SPEAKER NOTES: There are two public charge policies in play at USCIS, for adjustment of status cases filed in the United States. Under the 1999 Guidance policy, public charge means “primarily dependent on the government for income support,” not just mere use of any service.

Also, the only programs that count in the public charge assessment under this policy are cash aid (what some people call “welfare”) and long-term institutionalized care. That means that all other services are not part of what we think of when we mean someone is a public charge. For instance, under this policy, using health care programs does not count if you have a public charge test, and neither do any other programs besides cash aid. Nutrition programs, WIC, and “food stamps” or CalFresh, for example, do not factor into whether someone is a public charge.

Additionally, public charge is an individualized test. Use of cash aid by a family member does not make you a public charge, unless you are surviving off the family member’s cash aid and do not have your own income.

(Note: the presenter may wish to modify the talking points and/or slides on the 1999 Guidance policy depending on which public charge policies are in place, and where, given the state of public charge litigation at the time of presentation.)

Affidavit of Support under 1999 Guidance



- A Form I-864 contract turned in by sponsor of immigrant
- Must show income or assets to support immigrant and their own household at 125% of poverty guidelines
- Immigrant may have more than one sponsor to meet the requirements (joint sponsor)
- **Provided full weight by USCIS - if sponsorship sufficient, applicant presumed to have overcome public charge concerns, unless some factor in sponsor's life has changed**

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SPEAKER NOTES: As I said before, having a sponsor that supports your application for admission or permanent residence, which is called an "affidavit of support" contract, is part of the public charge test. This is true no matter what public charge policy is in effect, so this is true under USCIS's old policy and the new public charge rules, which we will talk about soon.

But the old policy really emphasized the importance of the affidavit of support in the public charge test. Basically, although there are many factors that can affect the outcome of a person's case, having an adequate affidavit of support was the focus of the public charge test under the old policy. This meant that if the person's sponsor had signed an affidavit of support contract saying they were financially able and willing to support the person when they were admitted to the United States or became a permanent resident, the person usually would not be found a public charge.



USCIS Public Charge Policy (New DHS Public Charge Rule)

New definition of “public charge”

Additional public benefits included

New detailed negative factors that make it
harder for low- and moderate-income people
to pass

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February 2020.
SPEAKER NOTES: The old public charge policy is very different from the New DHS Public Charge Rule, which took effect across the United States in

The New DHS Public Charge Rule changes the definition of public charge, and it adds other public benefits that count against a person if they are applying for a green card through a family member or for permission to enter the country. The New DHS Public Charge Rule also adds new details about factors that immigration officers must consider when deciding whether someone is a public charge. These details are very complicated, so it is important for someone who wants to apply for a green card through a family member or to enter the country to speak with a trusted attorney or DOJ-accredited representative to learn more about this. This new definition applies to green card cases processed in the United States.

(Note: the presenter may wish to modify the talking points and/or slides on the New DHS Public Charge Rule depending on which public charge policies are in place, and where, given the state of public charge litigation at the time of presentation.)

Definition of Public Charge

Someone who is likely to become primarily dependent on the government to support themselves (1999 Guidance)



An immigrant “who receives one or more public benefits . . . for more than 12 months in the aggregate within any 36-month period” (New DHS Public Charge Rule)

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SPEAKER NOTES: We already discussed that the old public charge policy looks at whether someone is likely to become primarily dependent on the government to determine whether the person is a public charge.

The New DHS Public Charge Rule says that any immigrant who receives one or more of certain public benefits is a public charge. This is a very big change in the definition of what it means to be considered a public charge.

We will discuss which public benefits are included under the New DHS Public Charge Rule in the next slide.

Public benefits considered

* **benefits in red only count under New DHS Public Charge Rule;**
* **benefits in blue count under 1999 Guidance and New DHS Public Charge Rule**

- Cash assistance: SSI, TANF (CalWORKs in CA), General Assistance (e.g., CAPI in CA)
- Long-term institutionalized care paid for by Medicaid (Medi-Cal in CA)

- Full-scope / regular Medicaid (Medi-Cal in CA)

NOT including Medicaid (Medi-Cal):

- Emergency services
- School-based services for children
 - Use by immigrant children under 21 (26 in CA)
 - Use by pregnant women and up to 60 days after pregnancy
- Food Stamps / SNAP (CalFresh in CA)
- Federal public housing and Section 8 programs

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SPEAKER NOTES: The New DHS Public Charge Rule expands the programs that count against a person for public charge. Under this policy, immigration officers consider *all* the programs listed here when they are trying to predict whether a person is likely to become a public charge in the future. The programs in blue are the benefits counted under the old public charge policy we discussed before. The programs in red are the additional programs that the New DHS Public Charge Rule added for officers to consider when deciding whether a person is a public charge. To be clear, then, under the New DHS Public Charge Rule, all of the programs on this slide count in the public charge test, except for Medicaid for emergency, school-based services for children, Medicaid used by immigrant children under 21 (and 26 in California), and Medicaid used by pregnant and postpartum women.

So here in California, then, one of the factors immigration officers try to predict in the public charge test is whether a person is likely to use cash assistance programs, full-scope Medi-Cal, CalFresh, and/or a federal housing program in the future. Remember, though: this prediction is based on all sorts of aspects of a person's present situation, like their age, their health, and their income, not just on whether they have ever used one of these programs in the past.

Public benefits NOT considered

Any other federal, state, or local benefit not listed in the rule!

- Medicaid used by children and youth under 21 (26 in CA), during pregnancy and up to 60 days after, and emergency Medicaid
- Children's Health Insurance Program (CHIP)
- WIC
- Food banks
- Emergency and disaster relief
- Public health services
- Public education, including Head Start
- Health and nutrition services in public schools, like school lunches
- Earned benefits, like unemployment, Social Security retirement, and workers compensation
- Tax credits
- Benefits used by military families
- **And many more!**

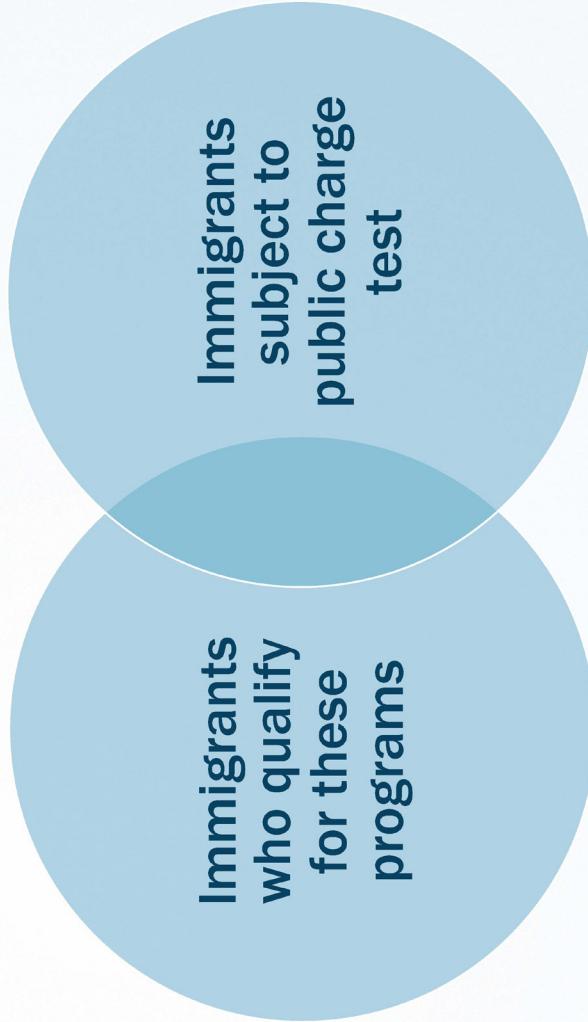
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SPEAKER NOTES: Remember too: the only public benefits that are considered in a public charge test under the New DHS Public Charge Rule are those listed in blue and red on the previous slide – these are the benefits listed in the rule. That means that there are many public programs that are not included in the public charge test. All the services listed here, and many more not listed, will *not* impact a person if they apply for an immigration benefit that includes a public charge test. Some important programs that do not count for public charge are CHIP, WIC, emergency and disaster relief, and public health services.

Who is Affected?



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SPEAKER NOTES: While the list of programs that count for public charge is larger under the New DHS Public Charge Rule than under the old policy, the reality is that most people who will face a public charge test under either policy are not even eligible for these programs. Or, if a person is participating in one of these programs, it is likely that the person will not have a public charge test in their future because the person has an immigration status that is not subject to public charge. For example, if you are receiving CalFresh, it is probably because you have a status like asylum, permanent residency, or a U visa.

What if my family members receive benefits?

Benefits received by family members are not part of the public charge analysis and they will not directly harm the applicant!



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SPEAKER NOTES: A common question in the community has to do with whether a family member's use of benefits affects a person's public charge test if they are applying for adjustment of status or to enter the country.

Under the old public charge policy, the use of public benefits by family members of an applicant does not affect the applicant's public charge evaluation. The exception to this, as we said before, is if the applicant for immigration status is dependent on the family member's cash aid and does not have any independent income.

Under the New DHS Public Charge rule, the use of public benefits by family members of an applicant also does not directly affect the applicant's public charge test. However, if the family member receiving benefits is the applicant's sponsor, who has signed the affidavit of support contract saying they are able and willing to financially support the applicant, an immigration officer may question the sponsor's ability to support the applicant if they receive public benefits because of their limited resources.



At the Consulates

**It's important to talk to a lawyer or DOJ-accredited representative to know where you will apply:
inside the U.S. or outside.**

- New DOS Public Charge Rule blocked (as of 9/15/20)
- Consular officers should be applying old DOS policy on public charge from November 2016

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SPEAKER NOTES: If you are applying or thinking about applying for permanent residence or for a visa, it is important to talk to an experienced lawyer or DOJ-accredited representative to know where you will apply. This is because if you are applying *inside* the U.S., DHS public charge policy will apply. If you apply *outside* of the U.S., State Department public charge policy applies.

The State Department also has a new public charge rule that took effect in February 2020, but this rule is currently blocked by the courts. This means that immigration officers at consular offices and embassies abroad should be applying old State Department policy on public charge from November 2016. If you think your case might be processed by the State Department, it is important to speak with a trusted immigration attorney or accredited representative about your case to learn more about this policy.

(Note: the presenter may wish to modify this slide and/or the talking points for the slide depending on which public charge policy or policies are in place at the consulates, given the state of public charge litigation at the time of presentation.)



Key Points

Public charge does not apply to everyone – e.g., people with humanitarian forms of relief, most LPRs, and U.S. citizens!

Public charge mostly affects people applying for a green card through a family member

Public charge does not affect eligibility for benefits

Benefits received by family members do not directly count against the applicant!

Everyone needs a consultation to understand their legal options, especially before changing benefits enrollment

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SPEAKER NOTES: To summarize, here are the key points that you should know about public charge now. Many people do not have to get off benefits because public charge does not apply to them.

Public charge mainly affects people who are applying for permanent residence through a family member petition. If you are not applying for any immigration benefits, public charge does not apply to you.

Public charge relates to whether people who apply for certain *immigration* benefits will receive them, not eligibility for public benefits. The public charge policies we have talked about today do not change who is eligible for benefits. Also, public benefits a family member receives do not count against the applicant if the applicant has a public charge test.

Lastly, it is important for everyone to talk to a trusted attorney or accredited representative to get advice specific to their situation before getting off benefits. It may be that you will not have a public charge test at all, in which case you should apply for services available to you that may help you and your family.



COVID-19 and Public Charge

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SPEAKER NOTES: The third part of this presentation will address the current COVID-19 public health crisis and how it relates to public charge.

COVID-19 and the Immigrant Community

- Low-income immigrants and their families are being disproportionately impacted by COVID-19.
- Immigrants are playing key roles in the pandemic response but are being largely excluded from federal relief packages.



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SPEAKER NOTES: Let's talk about COVID-19 and its connection to immigrants and public charge.

As you know, we are in the middle of a worldwide public health crisis due to COVID-19, the "coronavirus."

As difficult as the pandemic and economic crisis has been for many in the United States, low-income immigrants have been disproportionately impacted by COVID-19. Many immigrants are doing essential job, as farmworkers and medical professionals, but they have been mostly excluded from the federal relief packages.

At the same time, the new public charge policies, which are confusing and very strict, have prevented many immigrants and their family members from accessing medical care, health coverage, nutrition assistance, and other aid.



COVID-19 and Public Charge

- We should all get the care and services we need!
- Emergency Medicaid (Medi-Cal in CA) does not count for public charge
- USCIS issued a statement:
 - COVID-19 testing, treatment, and preventative care will not be considered as part of the public charge test.
 - Can submit statement with application to show how shelter in place orders or closure of place of work or school impacted income or reliance on public benefits.

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SPEAKER NOTES: We want to urge you, like everyone, to access the care and services you need during this difficult time.

It's important to know too that emergency Medicaid (or Medi-Cal in California) is exempt from public charge, meaning that if you do not have health insurance and go to a clinic or an emergency room to get testing or treatment for COVID-19, for example, that will not count towards public charge. USCIS has also issued a statement saying that COVID-19 testing, treatment, and preventative care (meaning if there were ever a vaccine available) for COVID-19 will not be considered as part of the public charge test. USCIS has also said that people who use public benefits because of COVID-19-related factors like shelter in place orders or employer shutdown can submit a letter to USCIS explaining the situation, and officers will consider that in the public charge test.



COVID-19 and Public Charge

Federal COVID-19 relief packages provide support only to those with a valid Social Security Number:

- Financial assistance to taxpayers who qualify based on income - this is a tax credit
- Increased amount and duration of unemployment compensation to eligible workers – this is an earned benefit

Neither are part of the public charge test!

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SPEAKER NOTES: Our Congress has also taken some important steps to help people who are struggling economically as a result of COVID-19.

However, the federal COVID-19 relief packages only provide support to people with a valid Social Security Number. This includes some members of the immigrant community, but not all.

Two of the assistance programs include financial aid to taxpayers who qualify based on income, as well as better unemployment compensation to eligible workers.

Importantly, neither of these supports count in the public charge test if the person who received them is subject to a public charge test. This is because tax credits and unemployment aid are public benefits that are excluded from the public charge test.



State and Local Cash Assistance Programs

- States and cities are trying to fill the void left by federal assistance programs.
- Example: California's Disaster Relief Assistance for Immigrants (DRAI) offered financial support to undocumented adults ineligible for federal COVID-19 assistance who have experienced hardship due to pandemic.

- One-time payment of \$500 per person, maximum \$1000 per household.

***Cash assistance BUT part of disaster response -
strong argument not subject to public charge!**

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SPEAKER NOTES: There are other COVID relief programs that have emerged because many members of the immigrant community have been excluded from the federal programs. States and local communities have stepped up to try to fill those gaps. One example is the "DRAI" (pronounced "dry") program, the Disaster Relief Assistance for Immigrants program in California. Through DRAI, undocumented adults who were impacted by the pandemic were eligible to apply for one-time financial assistance of \$500, with a maximum of \$1000 per household.

Like other state and local COVID-19 assistance funds, there should not be any negative consequence for public charge from using these funds, because these are disaster response efforts and disaster relief programs are excluded from the public charge test.



Pandemic EBT

Children eligible for free or reduced-price meals at school receive Pandemic EBT (P-EBT) benefits to help families buy food when schools are closed due to COVID-19.

Not subject to public charge!

- \$365 per child on P-EBT card to purchase groceries.
- Children who get CalFresh, Medi-Cal, or foster care benefits received P-EBT cards by mail and others had to apply online.
- One-time assistance.
- Even though an EBT card, this is not food stamps/CalFresh.

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SPEAKER NOTES: Another program that many immigrant families have been able to benefit from over the last couple of months is Pandemic EBT, which gave eligible people a pre-loaded card that they could use to buy groceries. In California, it was issued automatically to families with children who qualified for free or reduced-price school meals, children who got CalFresh or Medi-Cal, or children who received foster care benefits, and families not eligible through these programs were also able to apply. Families then received a Pandemic EBT card valued at \$365 per eligible child. It's important to know that families who are eligible for food stamps, or CalFresh in California, also receive EBT cards, but the Pandemic EBT program is a separate program. Pandemic EBT is an emergency response program that states could apply to participate in because of COVID-19, so it is not subject to the public charge test – this is because disaster relief programs do not count for public charge. However, the use of food stamps, or CalFresh, is considered in the public charge test under the New DHS Public Charge Rule, so unfortunately some community members have received a Pandemic EBT card and been scared to use it because they thought there could be negative public charge consequences, so we really want you to know that it is safe to use these benefits.



Other Forms of Support:

There are no public charge concerns about receiving support from:

- Food banks and food distribution sites
- Family Resource Centers
- School nutrition programs
- Senior centers
- Programs that provide one-time rental or utility assistance (amount and duration of cash aid matter!)
- Public health programs
- Homeless shelters and meal programs

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SPEAKER NOTES: There are also many other forms of support available to folks that should not cause a problem if you have a public charge test, like food banks, food distribution sites, and Family Resource Centers. School nutrition programs are another one, and free and reduced-price meals are available to children even if they are in a remote learning program. Senior centers, homeless shelters, public health programs, and programs that provide one-time rental or utility assistance are others out there, for example. None of these supportive programs will be issues for immigrant community members in a public charge determination.

SEPTEMBER 2020

SAMPLE AUDIENCE QUESTIONS & ANSWERS

WILL I BE DEPORTED IF I USE PUBLIC BENEFITS?

No. Public charge is a test that is administered when certain immigrants apply for permanent residency (a “green card”), some visas, or entry into the United States. An immigrant must come forward and apply for something before immigration officers apply a public charge test. When you apply for a public benefit at a human or social services agency in your community, the agency does not call ICE! They only use the personal information you share with them to enroll you or your family member in a public benefits program.

AN ATTORNEY TOLD ME THAT I SHOULD DISENROLL MYSELF AND MY CHILDREN FROM PUBLIC BENEFITS IF I WANT TO APPLY FOR A GREEN CARD. IS THAT GOOD ADVICE?

First, if you are applying for a green card and receive a benefit that you think might be a problem, talk to a trusted attorney or DOJ-accredited representative. Most people applying for green cards are not eligible for the benefits included in the public charge test. You might be using a program that does not “count” towards public charge.

Even so, an immigration officer cannot deny your green card application just because you are receiving one or more of the public benefits in the public charge rules. Officers must evaluate many factors when they are considering whether you are likely to depend on public benefits in the future, including your family’s income and other resources, your age and health condition, and your education and likelihood of being employed. Receiving one or more of the benefits that count is only one part of the public charge test.

IN THE PAST, AN ENROLLMENT WORKER AT MY LOCAL HUMAN SERVICES AGENCY EXPLAINED TO ME THAT I WAS ELIGIBLE FOR MEDI-CAL (CALIFORNIA’S VERSION OF MEDICAID) BECAUSE I AM PRUCOL, SO I SIGNED UP. CAN I STILL GET HEALTH INSURANCE AS A PRUCOL PERSON NOW THAT THERE ARE NEW PUBLIC CHARGE RULES?

The public charge rules are not about eligibility for California or other state public benefits programs. They do not change the rules about Medi-Cal eligibility in California or your access to health insurance. If you are worried that receiving Medi-Cal might affect your eligibility for a green card, talk to an immigration attorney or DOJ-accredited representative.

WILL I BE CONSIDERED A PUBLIC CHARGE IF I USE WIC?

No. The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is not considered in the public charge test.

WILL I HAVE PUBLIC CHARGE PROBLEMS IF MY CHILDREN USE MEDI-CAL?

No. Use of benefits by a family member does not count directly against an applicant for a green card under the new public charge rules. Further, under old public charge policy, Medi-Cal does not count in the public charge test at all. Although an *adult* applicant’s use of Medi-Cal does count under the new public charge rules,



children's use of Medi-Cal does not count. To find out if the old policy or the new rules apply to you, ask your trusted legal services provider.

WILL I GET DEPORTED IF I GO TO THE EMERGENCY ROOM OR USE EMERGENCY MEDI-CAL?

No. Receiving emergency medical services is not considered under the public charge test. Additionally, in general ICE should not be at or around hospitals, health clinics, emergency, urgent care, or other health care facilities. And remember that public charge is a test that is only administered when certain immigrants apply for a green card or entry into the United States. When you go to the emergency room or use emergency Medi-Cal, health care providers do not call ICE!

I AM PREGNANT AND AM NOT A U.S. CITIZEN. WILL I HAVE PROBLEMS WITH IMMIGRATION IF I USE MEDI-CAL?

First, remember that people who are not applying for a green card through a family member, or for a green card or visa at a U.S. consulate or embassy abroad, do not have to worry about being a public charge at all!

If you apply for a green card through a family member within the United States and old public charge policy is in effect, the government will not consider Medi-Cal use. If the new Department of Homeland Security (DHS) public charge rule is in effect, the government will look at use of Medi-Cal but will not include Medi-Cal used during pregnancy or for 60 days after a pregnancy. The government also will not include Medi-Cal used by children and youth under 26. Additionally, state-funded Medi-Cal programs do not count in the public charge test under the new public charge rule.

If you apply for a green card or visa at a U.S. consulate or embassy abroad and you have a public charge test, the consular officer will not count any Medi-Cal use against you, regardless of whether you used it before, during, or after your pregnancy.

I WAS INJURED ON THE JOB AND I AM RECEIVING PAYMENTS FROM MY EMPLOYER BECAUSE I CANNOT WORK. WILL THIS CAUSE ME PROBLEMS IF I APPLY FOR A GREEN CARD OR TO BECOME A U.S. CITIZEN?

No. Benefits that a person earns through their job, such as workers' compensation or unemployment benefits, do not count against a person in a public charge test.

WILL I BE CONSIDERED A PUBLIC CHARGE IF I GET HELP FROM A DOMESTIC VIOLENCE SHELTER? FROM A FOOD PANTRY? FROM A CHURCH?

No. Services that are available to the community as a whole, or without an income requirement, will not make a person a public charge.

WILL MY ACCESSING COVID-19 TESTING AND TREATMENT AFFECT PUBLIC CHARGE?

No! The government has said that it will not consider COVID-19 testing, treatment, or preventive care, including a vaccine if one becomes available, as part of the public charge test. In addition, the immigration officer will also consider other factors in a person's life due to the pandemic, like job loss causing the applicant to use other public benefits, that might impact a public charge decision.