

SEPTEMBER 2020

## PUBLIC CHARGE COMMUNITY MESSAGES

### CORE MESSAGES TO SHARE WITH THE COMMUNITY:

- Many immigrants are not subject to a public charge test. 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 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.
- Many government-funded benefits and services such as Head Start, WIC, free and reduced-cost school meals, disaster relief, and many other programs are safe to use and do not cause any immigration harm because they do not count for public charge.
- Many Medicaid (called Medi-Cal in California) programs do not count for public charge, including Medicaid for emergency, pregnancy and 60 days after a pregnancy, Medicaid for children and young adults under 21 (26 in California), and state- and locally-funded Medicaid programs.
- 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, like the applicant's age, income, and education, not just use of benefits.
- People who receive cash aid (i.e., SSI, TANF (called CalWORKs in California), or any other federal, state, or local cash assistance, often called "General Assistance" programs), long-term institutionalization at the government's expense, federally-funded Medicaid (called Medi-Cal in California), federally-funded food stamps (called SNAP, or CalFresh in California), or federal public housing or Section 8 assistance should consult with a trusted legal services provider to find out if any of those programs will impact their immigration case.
- New public charge policies went into effect on February 24, 2020. For now, the government cannot apply the new public charge policy to cases decided at U.S. consulates and embassies abroad and must rely on old policy. Things keep changing so make sure to check for updates! The courts are still deciding whether the changes are legal. This means that the new policies might eventually be stopped permanently.
- 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.*