



SEPTEMBER 2021

PUBLIC CHARGE

COMMUNITY MESSAGES

CORE MESSAGES TO SHARE WITH THE COMMUNITY:

- The Trump changes to public charge are no longer in effect! Health care programs, including Medi-Cal and COVID care, housing, food programs like CalFresh, and many other vital services are once again safe to use. Get the care and help your family needs!
- The public charge test only applies to some immigrants. 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 DACA applicants.
- 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.
- The use of health, food assistance, and housing programs cannot be considered in the public charge test. This means that all Medicaid (called “Medi-Cal” in California) is safe to use, except for long-term institutionalization paid for by Medicaid (e.g., in a nursing home). Food stamps (i.e., “SNAP,” or “CalFresh” in California), as well as public housing, Section 8 housing programs, and other housing programs, are also safe to use.
- Many other government-funded benefits and services, such as Head Start, WIC, free and reduced-cost school meals, and disaster relief, also are not considered as part of the public charge test.
- COVID-19 testing, treatment, vaccines, and pandemic relief programs like stimulus checks and P-EBT are not part of public charge. Get the help you need to care for yourself and your family during this challenging time!
- Use of public benefits by family members, such as children, are not counted against the applicant for immigration status if the applicant has a public charge test, unless the family member is receiving public cash assistance and the applicant is reliant on that aid as their sole means of support. 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.
- The public charge test focuses on many factors, like the applicant's age, income, and education, not just use of benefits that count.
- 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)] or long-term institutionalization at the government's expense should consult with a trusted legal services provider to find out if those programs will impact their immigration case.
- 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.