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MEDI-CAL IN CALIFORNIA

ADDRESSING COMMUNITY CONCERNS
ABOUT PUBLIC CHARGE

People with various immigration statuses, and in some cases without any immigration status, qualify for Medi-Cal in California. California provides Medi-Cal¹ health insurance through state funds to many California residents that would not qualify for the federal Medicaid program.

When considering applying for immigration status, many noncitizens worry that using Medi-Cal in California will harm their chances of getting a new immigration status. This is because of the “public charge” immigration law that penalizes people the federal government believes will be dependent on it for certain services and support. *State-funded Medi-Cal does not cause a public charge problem.* This resource includes some common questions and answers about using Medi-Cal in California and public charge.

1. I am undocumented. I have never received an immigration benefit or permission to be here, but I have Medi-Cal. Do I have a public charge problem?

First, if you are not applying for any immigration benefit, you do not have to worry about public charge. Second, people that do not have an immigration status or permission to be in the United States can only legally receive Medi-Cal through state funds. State-funded Medi-Cal cannot hurt you if you later apply to become a lawful permanent resident (“LPR,” also called a “green card” holder). This is because state-funded Medi-Cal is not part of the public charge test.

2. When I applied for Medi-Cal, I checked a box on my application that said that immigration officials know I am here and have not taken steps to deport me. How do I know if that makes me a public charge?

California residents can apply for Medi-Cal by mail, online, or in person at their county’s human services agency. The human services agency for the county where the applicant lives will review the application, determine eligibility, and administer the benefits. The “Statement of Citizenship, Alienage, and Immigration Status,” Form MC 13, is part of the Medi-Cal application.² This form is not an immigration form. The categories on the form were created to help the State of California make decisions about your Medi-Cal.

Question 5 of the MC 13 lists 16 different immigration statuses (called “PRUCOL status(es)” on the form). If you qualified for full-scope Medi-Cal by checking the last box in question 5, which says “An alien, not in one of the above categories, who can show that: (1) INS knows he/she is in the United States; and (2) INS does not intend to deport him/her, either because of the person’s status category or individual circumstances,” the State of California pays for your Medi-Cal coverage, not the federal government.³ Using state-funded Medi-Cal will not make you a public charge because it is not part of the public charge test.

3. I can’t remember what PRUCOL category I selected on the MC 13 when I applied for Medi-Cal. How do I know whether I’m receiving federally-funded Medi-Cal or state-funded Medi-Cal?

Your immigration status ultimately determines whether you’re eligible for federally-funded Medi-Cal or state-funded Medi-Cal. If you know what immigration status you have, you should be able to figure out what form of Medi-Cal you are receiving. This is because the PRUCOL eligibility category you select on the MC 13 reflects your current immigration status.

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Here is a list of the immigration statuses for which the State of California could be using federal government funds to cover your Medi-Cal:⁴

- ⌘ Lawful permanent residents (“LPRs,” i.e., people with “green cards”) who have been LPRs for five years or more
- ⌘ Refugees, people granted asylum or withholding of deportation/removal, and conditional entrants
- ⌘ People granted parole by the U.S. Department of Homeland Security (DHS) for at least one year
- ⌘ Cuban and Haitian entrants
- ⌘ Certain abused immigrants, their children, and/or their parents
- ⌘ Certain trafficking survivors

If your immigration status is listed above, the State of California is probably using federal funding to pay for your Medi-Cal, which counts in the public charge test, but only if you are subject to public charge. Many immigration statuses and applications do not have a public charge test!

If your immigration status is not listed above, the State of California is required to use California state funds to pay for your Medi-Cal.⁵ This state-funded Medi-Cal does not count in the public charge test.

4. I have Deferred Action for Childhood Arrivals (DACA), and I have Medi-Cal. I plan to apply for lawful permanent residency soon through my spouse, who is a U.S. citizen, but I heard that I might have a public charge problem because of my Medi-Cal. Is that true?

No. DACA recipients are not eligible for federally-funded Medi-Cal, so you are receiving state-funded Medi-Cal, which is not considered as a negative factor in the public charge test. You do not need to report your use of Medi-Cal to U.S. Citizenship and Immigration Services (USCIS) when you apply for a green card through your spouse.

5. I’m an asylee and I have Medi-Cal. I will soon apply for a green card. Will my use of Medi-Cal prevent me from becoming an LPR?

It depends. As an asylee, you should be receiving federally-funded Medi-Cal. However, it does not matter that you are using federally-funded Medi-Cal if you apply for lawful permanent residency based on your asylum status because asylees applying for LPR status based on being asylees do not have a public charge test.

However, if you apply for lawful permanent residency through a U.S. citizen or LPR family member, you will have a public charge test as part of *that* immigration application. Remember, though, immigration officers must consider many things when they are determining whether someone is likely to become a public charge, including their age, health, education, and likelihood of being employed, not only the receipt of certain public benefits.

6. I am undocumented and I am pregnant. My public benefits caseworker recently told me that I could apply for Medi-Cal to cover my prenatal visits and expenses. My boyfriend and I plan to marry in the future. He is a U.S. citizen and wants to petition for me to become a lawful permanent resident. I have heard that getting Medi-Cal can make me a public charge, though, so I’m not sure whether I should apply for Medi-Cal now, because I want to get a green card and stay in the United States with my family. What should I do?

You should apply for Medi-Cal to subsidize your prenatal expenses. Your pregnancy-related Medi-Cal expenses may be paid for using federal government funds, which means you will receive federally-funded Medi-Cal that

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you need to report to USCIS when you apply for a green card through your future husband. But using Medi-Cal for pregnancy and up to 60 days after a pregnancy does not count for public charge even though it is federally funded. The immigration officer deciding your application for a green card cannot consider your use of Medi-Cal for pregnancy as a public charge problem.

7. If I received federally-funded Medi-Cal, does that make me a public charge? What about state-funded Medi-Cal?

Receiving *federally-funded Medi-Cal* can count as a negative factor if immigration authorities must decide whether you might become a public charge, which depends on what immigration benefit you are applying for. Your use of *state-funded Medi-Cal* will not count against you in a public charge decision.

Even if you are receiving federally-funded Medi-Cal and you are applying for an immigration benefit that includes a public charge test, you are not automatically a public charge. Immigration officers consider many things when they are determining whether someone is likely to become a public charge, including their age, health, education, likelihood of being employed, and receipt of certain public benefits.

Remember, many immigration applications and statuses do not have a public charge test! For example, refugees and asylees, people with a U visa, T visa, relief through the Violence Against Women Act (VAWA), Special Immigrant Juvenile Status (SIJS), DACA and Temporary Protected Status (TPS) applicants, U.S. citizens, and most LPRs do not have a public charge test. Many of these individuals are eligible for federally-funded Medi-Cal, but they will not have a public charge issue related to receiving that Medi-Cal because they will not be subject to a public charge test. For the most part, only applications for lawful permanent residency based on a U.S. citizen or permanent resident family member's petition include a public charge test. See [Public Charge: What the Community Needs to Know](#) for more information on what public charge is and who it applies to.

8. I have more questions about Medi-Cal and public charge. What should I do?

Consult a trusted immigration attorney or Department of Justice (DOJ)-accredited representative to discuss your case before making important decisions about your use of Medi-Cal. Visit the [California Department of Social Services Public Charge Provider List](#) to find free or low-cost legal services providers in your area who can provide public charge assistance.

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Endnotes

- 1 Medi-Cal is California's Medicaid program. The Medicaid program provides government-funded health care coverage to certain low-income individuals.
- 2 The MC 13 is available at <https://www.dhcs.ca.gov/formsandpubs/forms/Forms/mc13.pdf>.
- 3 The MC 13 calls every status other than "citizen or national of the United States," "amnesty alien with a valid and current I-688," and "lawful permanent resident" a "PRUCOL status." PRUCOL means "Permanently Residing Under Color of Law," and is a public benefits eligibility category for noncitizens. It refers to people who are 1) in the United States with the knowledge of immigration officials and 2) not likely to be deported. PRUCOL is not a U.S. immigration status. Picking one of the boxes in question 5 of the MC 13 does not indicate who pays for the Medi-Cal. For example, asylum and refugee statuses, which are immigration statuses listed in question 5 of the MC 13, qualify for federally-funded Medicaid. However, people who check the last box in question 5 on the MC 13 receive state-funded Medi-Cal. Often, when people say "PRUCOL" in California, they are referring to people who checked the last box in question 5 and otherwise do not have an immigration status that qualifies them for Medi-Cal.
- 4 These immigrant groups are considered "qualified" immigrants under a 1996 law. Under that law, only "qualified" immigrants are eligible to receive federally-funded Medi-Cal and other federally-funded benefits. Therefore, immigrants who are not "qualified" under the 1996 law and are receiving Medi-Cal must be receiving state-funded Medi-Cal. If you are a "qualified" immigrant and you are receiving Medi-Cal, you should assume that you are receiving federally-funded Medi-Cal. For more information, see NILC, *Overview of Immigrant Eligibility for Federal Programs* (Dec. 2015), available at <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>. See also Western Center on Law & Poverty, *Health Care Practice Tip – February 2020: Public Charge and Health Insurance in California*, available at <https://wclp.org/resources/health-care-practice-tip-february-2020-public-charge-and-health-insurance-in-ca/>.
- 5 See footnote 4, about "qualified" immigrants. All other immigrants, such as undocumented immigrants and many people who are lawfully present in the United States, should be receiving state-funded Medi-Cal. With very limited exceptions, the 1996 law prohibits immigrants who are not "qualified" immigrants from receiving federal-funded public benefits.

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