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What is public charge and to whom does it apply?

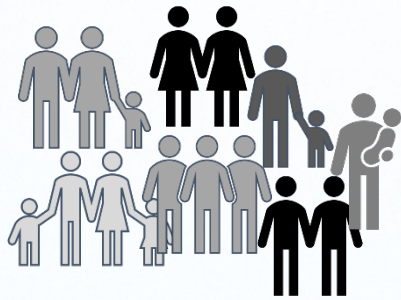
What is Public Charge?

Is it how the government can find out where I am?

Does it mean that if my children use health care, I will be deported?

What is it?

I think it means I should get off of benefits now.



Does it mean that if I use public benefits, I won't qualify for naturalization?

I think it means my family cannot access any benefits.

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.**

Many Immigrants Are Not Subject to Public Charge

- Refugees and asylees
- SIJS
- U visa and T visa
- VAWA
- DACA
- TPS
- 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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How does the public charge test work?

The Public Charge Test

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

Current Public Charge Policy

Public charge = a person likely to become primarily dependent on the government for income support

Programs that “count” towards public charge:

- **Cash assistance for income maintenance (e.g., SSI, TANF/CalWORKs, General Assistance/CAPI)**
- **Long-term institutionalization paid for by Medicaid (Medi-Cal)**

Programs that do NOT “count” towards public charge:

- **Health, food assistance, and housing programs**
- **Any non-cash assistance**

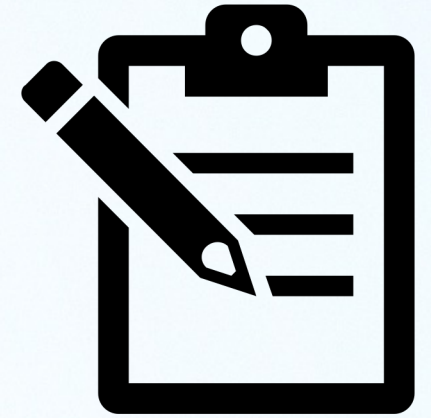
Benefits received by family members do NOT count against the applicant!

Safe to Use List: Many Programs Do NOT Count

Including but not limited to:

- **CHIP**
- **WIC**
- **Medicaid**
- **Disaster relief**
- **Free and reduced cost school meals**
- **P-EBT**
- **Food stamps**
- **Head Start**
- **Unemployment**
- **Social Security retirement**
- **Worker's compensation**
- **Tax credits, including EITC**
- **COVID testing, treatment & vaccine**
- **Stimulus check**
- **Section 8 housing**
- **Student loans**
- **Others!**

Current Public Charge Policy Focuses on the Affidavit of Support



- **A contract (called an I-864) 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)**
- *An affidavit of support is usually enough to pass the public charge test*

Covid-19 Pandemic

- Important for people to get the support they need
- Earned benefits like unemployment don't count in public charge
- Tax credits and stimulus checks don't count in public charge
- Most people who are on pathway to green card are not eligible for the benefits that count in public charge test

USCIS, Public Charge, and COVID-19

- Now that Trump rule is over, **ALL Medicaid is safe to use for those eligible, and doesn't count for public charge**
- **Also, USCIS issued a statement:**
 - **COVID-19 testing, treatment, and vaccines will not be considered as part of public charge assessment**
 - **Can submit statement with application to show how shelter in place orders or closure of place of work impacted income or reliance on public benefits**

Public Benefits, Sponsors, and Applicants

- **Sponsors (USC and LPR family members + joint sponsors)**
 - Can use ANY public benefits they qualify for, even cash aid for income maintenance
 - But cannot count public benefits towards sponsor income to meet 125% of the Federal Poverty Level for I-864
- **Applicants (applying for a visa or green card)**
 - May not want to use public benefits that count, like cash aid for income maintenance, because will negatively affect public charge test
 - But usually don't qualify for benefits that count anyways

Key Points

The public charge test only applies to some programs and some immigrants

A family member's use of public programs cannot affect your future immigration applications

COVID-19 testing, treatment, vaccines, and relief payments (stimulus checks) are not part of public charge

The use of health, food assistance, and housing programs cannot be considered in the public charge test

Simply using government benefits does not trigger immigration enforcement against your family

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