



## San Francisco Human Services Agency Answers Your Questions About Public Charge

*This information is current as of October 10, 2019.*

### 1. What is public charge?

Public charge is a term used in immigration law to describe someone who is likely to rely on government benefits for support.

A “public charge” test is used by federal immigration officials to decide who they will allow into the United States and who can get Lawful Permanent Residency (LPR)—also known as a green card. It is also applied to LRP who leave the country for 6 months and seek to reenter. Public charge **does not apply** to applications to become a naturalized U.S. citizen.

### 2. I’ve heard there is a new public charge rule. What is changing?

The federal government has expanded the list of programs that may be considered under the public charge test. Public charge is also redefined in the new rule as someone who is “more likely than not” to receive public benefits for more than 12 months within any 36-month period in the future. Note: The rules are different when you apply for a green card from outside the U.S.

Use of the following public benefits are now included to be considered in the public charge test:

- CalWORKs
- General/cash assistance/CAAP
- Supplemental Security Security (SSI)
- Long-term Care
- Medi-Cal (see exceptions in question 3)
- CalFresh
- Public housing
- Housing choice vouchers and rental assistance

### 3. Are there any benefits that are not considered in the new public charge rule?

Yes, the following is a list of public benefits that are not included in the public charge test:

- Medi-Cal for children under age 21, pregnant women, and emergency medical conditions
- Disaster relief
- School Nutrition Programs
- Women, Infants, and Children (WIC)
- Foster care and adoption
- Head Start and other child care subsidies
- Earned Income Tax Credit (EITC)
- Child Tax Credit (CTC)
- Any other benefit not specified under question 2.

### 4. Does public charge apply to all immigrants?

NO. Most immigrants who receive public benefits and services will **not** be impacted by the new public charge rule.

The public charge test does not apply to refugees, asylees, and other categories of humanitarian immigrants. Additionally, the test does not apply to green card holders who are applying for U.S. citizenship or green card renewal.

**Each immigration case is unique. Free community legal advice is available to help understand how public charge *might – or might not –* affect your family. Call the Bay Area Legal Aid’s Legal Advice Line at (800) 551-5554 with public charge and public benefits questions. Support available in all languages.**

### 5. When does the new public charge rule go into effect?

October 15, 2019. Use of Medi-Cal, CalFresh and housing assistance will not count against anyone applying for a green card from within the United States before October 15, 2019.

**6. When will the public charge rule be applied?**

This new rule applies to a limited number of legal immigration statuses, and only at specific points on the immigration pathway. Generally, the public charge test is applied when someone:

- Applies to enter the U.S.
- Applies to adjust their immigration status to become an LPR (obtain a green card)
- Is a green card holder and is reentering the country after leaving the U.S. for more than six months consecutively.

**7. I have heard there may be changes to how my application for citizenship will be considered if I or my family uses any public assistance programs. Is this true?**

NO. The public charge rule does not apply to applications for citizenship.

**8. I have heard the public charge test applies to green card renewals. Is this true?**

NO. If you currently have a green card and need to renew, the public charge test does not apply.

**9. What if I do not receive any benefits but my children do? Will their use of benefits impact my application for a green card?**

NO. The new public charge rule says that the federal government will consider **only** the public benefits used by the person who is seeking to change his or her immigration status, and not the public benefits used by a family member.

**10. Has eligibility for public benefits changed?**

NO. The rules for California's public assistance benefits HAVE NOT changed. If you are eligible to receive Medi-Cal, CalFresh, CalWORKs, cash and child care assistance, or In-Home Supportive Services (IHSS) now, you are still eligible for those benefits.

**11. I am concerned about the privacy of my information. How is the information provided about myself or my family used by the Human Services Agency?**

The federal government does not access our systems for immigration enforcement action. HSA uses the information you give us only to see if you are eligible for benefits. We may need to verify the information you provide on a public benefit application with the federal government, but only to confirm your eligibility to receive services.

**12. Will discontinuing my benefits remove my information from California's systems?**

No. State and local computer systems keep a record of your old case, so we will continue to have your information on file. Choosing to stop your benefits will result in loss of critical health care coverage, cash, and food assistance, but won't erase existing records.

**13. I still have questions about how participating in public benefit programs could impact my immigration status or citizenship. Can you provide me with assistance?**

HSA wants to help you understand your rights and continue to receive the assistance you and your family need now. We cannot provide legal guidance but are partnering with qualified immigration attorneys to provide free help.

**For questions about public benefits and public charge, call Bay Area Legal Aid's Legal Advice Line: (800) 551-5554.**

**Find free community-based immigration legal help: [immigrants.sfgov.org](http://immigrants.sfgov.org)**

**Support available in all languages: Spanish, Chinese, Russian, Filipino, Vietnamese.**

*Translated materials and resources available at [SFHSA.org/PublicCharge](http://SFHSA.org/PublicCharge).*