



Human Services Agency Answers Your Questions About “Public Charge” & Participation in Public Benefit Programs

This information is current as of October 10, 2018. Translated versions available at SFHSA.org/ImmigrantBenefits

Announcements from federal agencies in Washington have raised many new questions about participation in public benefit programs that provide immigrant families with health care coverage and supportive services for food, cash, housing, and more.

As of today, the eligibility 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 can still access those benefits. We want to help you continue to receive the assistance you and your family need now.

Does use of public benefits and services affect my application for legal permanent residency?

Currently, immigration officials may consider if you receive support through Medi-Cal long-term care services and cash assistance programs (CalWORKs, CAAP and SSI) when applying for lawful permanent residency – also known as a “green card.” Under the current rules, the use of non-cash benefits like health care coverage (Medi-Cal), food (CalFresh), housing assistance, education, job training and child care services do not count against anyone applying for lawful permanent residency.

What does “public charge” mean?

Public charge is a term used in immigration law to describe someone who is likely to rely on government benefits as their main source of support. The federal government has proposed expanding which public benefits immigration officials may consider when applying for a green card to additionally include: CalFresh, Medi-Cal, Medicare prescription drug subsidies, and housing assistance programs, including public housing and Section 8 Vouchers. These changes have not yet taken effect, and they only apply from within the United States. (Different rules apply when you apply for a green card from a foreign consulate.)

The proposed public charge rule will not affect who is eligible for services that provide critical support for health, nutrition, WIC, child care, and housing. Families will continue to be eligible for these services.

When could the proposed public charge rule be approved and start?

Starting October 10, the public will have 60 days to comment on the proposed rule before it can become final. The federal government will then need additional time to respond to public comment.

Do public charge rules apply to all immigrants?

No. Public charge rules do not apply to humanitarian immigrants, including refugees and asylees.

Free community legal advice is available to help understand how any proposed changes might – or might not – affect your immigration status. **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.**

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?

The proposed public charge rule does not apply to applications for citizenship.

What if I do not receive any benefits but my children do? Will their use of benefits impact my application for a green card or change of status?

No. The proposed rule says that the federal government will consider only the public benefits used by the immigrant who is seeking to change his or her status, and not the public benefits used by family member.

If the proposed public charge rule becomes final, how could immigration officials consider non-cash benefits that people may have used in the past?

Even if the public charge rule eventually becomes final, receipt of CalFresh, Medi-Cal or public housing assistance before the rule officially takes effect will NOT count against anyone applying for a green card.

Is the Human Services Agency preparing for any changes?

We are closely tracking the proposed rule change. HSA will post information as it becomes available, including notification of the final adoption of the rule and any changes to the public charge definition.

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.

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.

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 cannot provide legal guidance. Free help is available. We encourage you to seek advice from a qualified immigration attorney.

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

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