
Public Charge Update:

What Advocates Need to Know Now

March 18th, 2021

California Protecting Immigrant Families

CIPC chairs the California Protecting Immigrant Families Coalition (CA PIF), in close coordination with the national Protecting Immigrant Families Campaign, which was formed to defend immigrants and refugees from the Trump administration's expansion of the public charge rule.

CA PIF is composed of over 75 organizations across the state, including grassroots community-based organizations, policy advocates, and service providers.



What is Public Charge?

Some people who apply for a green card (lawful permanent resident status) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to depend primarily on certain government services in the future.

In making this determination, immigration officials look at all of a person’s circumstances, including their age, income, health, education or skills, and their sponsor’s affidavit of support or contract, and the use of cash assistance programs or long-term institutional care at government expense.

What happened to the 2019 Public Charge Rule?

On March 9, 2021, the Biden administration filed motions asking the Supreme Court to dismiss its appeals of existing public charge litigation.

The motions were granted, leaving previous Circuit court orders in place. This allowed the Seventh Circuit to dismiss the appeal of the lower court's final order, which then enabled the district court to effectively vacate the rule.

DHS issued a statement that it would return to the public charge policy detailed in the 1999 Field Guidance published by the (prior) Immigration and Naturalization Service.

Who is Subject to Public Charge?

Only some immigrants are subject to public charge. Public charge is applied to people seeking admission (Visa) into the United States or applying to adjust their status (green card) with some exceptions:

- Refugees, Asylees, and Special Immigrant Juveniles;
- Temporary Protected Status (TPS) applicants and asylum applicants
- Certain victims of crime, including domestic violence and trafficking, among others.
- Lawful permanent residents, unless they leave the United States for over 180 days and seek to reenter.

Benefits That Are Considered under Public Charge

- The receipt of public cash assistance for income maintenance (including SSI, CAPI, CalWORKS/TANF, General Assistance).
- Institutionalization for long-term care at government expense.
- DHS does not look your family's use of these programs unless it's your main source of income.
- Even if you have used the programs above - DHS will look at your whole situation when it decides if you are likely to become a public charge in the future.

Benefits that Don't Impact Your Immigration Status

The following government programs will not impact your immigration status or applications:

- Medicaid (except for long-term institutional care)
- CoveredCA subsidies
- SNAP, CalFresh, P-EBT
- Public Housing,
- WIC, CHIP, school lunches, food banks, shelters, state or local health care programs, and many more.
- COVID/pandemic-related assistance, EITC, child tax credits.

Make the Right Choice for You And Your Family

Key Messages for Community:

- Public charge does not apply to all immigrants. And very few government programs are included.
- There are lots of people and organizations that can help you.
- Doctors and nurses care about your health, not your immigration status.

Visit **keepyourbenefits.org** to learn more about how public charge may affect you or your client.

Additional Resources

- protectingimmigrantfamilies.org
- cdss.ca.gov/immigrationcontractors
- immigrantguide.ca.gov

Contact bchao@caimmigrant.org for help finding resources or answering questions!

Join CA PIF. Visit caimmigrant.org to learn more!