

# What is Public Charge?

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“Public charge” is a rule that immigration can use to deny an application for permanent residence (“Green card”) or certain other visas if the applicant is likely to depend on certain government programs if approved.

Public charge **does not affect** applicants for U.S. citizenship, asylum, refugee status, Special Immigrant Juvenile Status, TPS, VAWA, U or T visas or green cards based on these visas. It **does not** affect DACA or green card renewals.

The Public charge test only looks at **certain** benefits that the applicant gets (see inside). It **also** considers his/her current situation: health, age, employment, skills, education, family/sponsor income.

## Public Charge Does Not Include:

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- Sliding Fee Scale from a Community Health Center such as Golden Valley Health Centers
- Health Benefits received by a woman during pregnancy and 60 days after giving birth
- Emergency Medi-Cal
- WIC Women Infant and Children
- Benefits received by person under 21 years old
- Free and Reduced Lunch
- Public School such as Head Start
- Family members that qualify for benefits and or are Green Card Holders/LPR or US Citizens do not affect the the applicants application for LPR/Green Card

This is merely for reference only and is not intended to give any legal advice, each situation is different and if you have any questions here are some resources:

### Local organizations

#### Catholic Charities

209 -444-5910  
ccstockton.org  
(Modesto, Stockton)

#### Social Justice Collaborative

510-992-3964  
www.socialjusticecollaborative.org  
(Modesto office)

#### International Rescue Committee

209-667-2378  
www.rescue.org 209-667-2378 ext 1  
(Turlock/Modesto)

#### El Concilio

209-644-2600  
elconcilio.org  
(Modesto/Stockton)

#### SIREN-Services, Immigrants' Rights and Education Network

408-453-3003  
<http://www.siren-bayarea.org/>

### For more information please go online

#### Immigration Law Help

<https://www.immigrationlawhelp.org/>

#### The American Immigration Lawyers Association

<https://www.aialawyer.com/>

#### Immigrant Legal Resource Center

<https://www.ilrc.org/contact>

#### SIREN-Services, Immigrants' Rights and Education Network

<http://www.siren-bayarea.org/>

For legal advice about public benefits or public charge consult an Immigration Attorney  
Each situation is unique



# Does Public Charge Affect You?

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# Does Public Charge Affect You?

Are you a US Citizen?  
If **YES**, Public Charge does not apply to you

This is not meant to provide legal advice. Please consult an attorney for specific advice

Do you already have a green card?

**Public charge doesn't apply.** But, if you use public benefits and you plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.

Are you applying for:

- Citizenship
- Green Card renewal
- DACA renewal
- U or T Visa
- Asylum or Refugee status
- TPS
- VAWA
- Special Immigrant Juvenile Status
- Green Card based on U/T/SIJ, VAWA or Asylum

**Public charge doesn't apply to you for these applications.** You may use any benefits for which you qualify.

Do you or your family plan to apply for a green card or visa from **inside** the U.S.?

A public charge test may apply, but only a few benefits that the applicant receives count. Eligible family members can use any benefits.

Do you or your family plan to apply for a green card or visa from **outside** the U.S.?

A public charge test applies, but only some benefits count. Talk to a qualified attorney about this.

## Benefits currently considered for public charge test:

- **Cash benefits**
  - SSI
  - CalWORKs
  - CAPI
  - General Assistance
- **Long-term care (nursing home) Medi-Cal**

## Timeline for changes on rule:



### New Benefits that will be considered after 02/24/20

- CalFresh/food stamps (federal)
- Non-emergency Medi-Cal (federal)
- Medicare Part D subsidies
- Federal housing/Section 8

For more resources visit:  
<https://www.gvhc.org/knowyourrights/>

These changes would count at least 12 months in a 36 month period - this is not retroactive