What is Public Charge?

“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:

- 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

Does Public Charge Affect You?

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.ailalawyer.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?

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

Do you already have a green card?

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

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

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

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

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.

A public charge test does not 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.

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

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:

10/2018 Rule proposed
8/12/19 Final rule adopted
02/24/20 New benefits start to count

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.