



What is Public Charge?

When someone applies to become a lawful permanent resident (to get their green card), or applies to enter the U.S., an immigration official considers several factors to determine if that person will become financially dependent on the government in the future; also known as, a *public charge*. If an applicant is labelled, “a public charge” their application is denied.

On October 10, 2018 the Department of Homeland Security (DHS) published a proposal to change the public charge rules. The changes would add heavily weighted negative factors, extend who has to take the public charge test, and expands the list of programs counted against an applicant.

Proposed Changes

Benefits currently considered	Proposed Additional Programs	Excluded Programs
<p>Cash Benefit Programs:</p> <ul style="list-style-type: none"> • Supplemental security income (SSI) • Cash assistance programs • Institutionalized for long-term care under Medicaid 	<p>Non-Cash Benefit Programs:</p> <ul style="list-style-type: none"> • Non- Emergency Medi-Cal • Food Stamps (Cal-Fresh) • Housing Assistance programs • Medicare Part D- Pharmaceutical Discount 	<ul style="list-style-type: none"> • Locally and state funded non-cash benefit programs • Disaster relief • WIC • School breakfast and lunch • Energy Assistance Programs • Student Loans • Emergency Medicaid <p style="text-align: center;">Possibly CHIP</p>

Important Note:

- Those with a protective status who are applying for a green card are **NOT** subject to the public charge test; these include: refugees, asylees, victims of human trafficking, temporary protected status, and special juveniles, among others.
- Lawful permanent residents applying for their citizenship are **NOT** subject to the public charge test.
- An immigration official must consider several factors to make their determination. One negative factor can be outweighed by a positive one.
- The proposed rules are not retroactive- there may be no benefit in dis-enrolling from programs now.

Participate without Fear

Several benefit programs are excluded from counting during a public charge assessment. Using the excluded programs will **NOT** make you a public charge.

The use of benefit programs by dependents/children of the applicant will **NOT** be counted against the applicant. Keep your kids enrolled!



Public Charge

Facts

An immigration official must consider the overall circumstance of an applicant. An immigration official **cannot** deem someone as a "public charge" based off one single factor. They must look at several other factors; including but not limited to: age, health, skills, and education when making their determination.

A negative factor (i.e., unemployment) may be balanced by a positive factor (i.e., graduating college).

It is rare for a lawful permanent resident (LPR) to be deported due to public charge. LPRs may **ONLY** be deemed as a public charge if the following are true: they have become a public charge within the first five years of admission **AND** the cause was a pre-existing reason.

Some immigrants are exempt from a public charge determination because they are protected by law; this includes refugees, asylees, survivors of human trafficking, domestic violence survivors (T Visa and U visa Holders), and immigrant juveniles, among others.

Lawful Permanent Residents (Green-Card Holders) do not undergo a public charge determination when they apply for U.S. citizenship.

State funded and locally funded programs have been excluded from the proposed public charge determination factors. Contra Costa CARES is a locally funded health care program and it has been excluded from counting as a negative factor during the public charge determination.

Immigrants are always advised to submit truthful information to government agencies.

Federal and state privacy laws will continue to be enforced. No public benefit program will ask about the immigration status of non-applicants in the household.

Everyone's situation is different. People should consider their own circumstances when deciding to apply for programs. Some questions an individual can ask themselves are:

- Is the program excluded from the public charge test?
- What are my current needs?
- Do I have a pathway to lawful permanent residency?
- Am I exempt from the public charge test?
- List the positive and negative factors.