

## Public Charge: THE CURRENT RULE

### **What is a public charge?**

The U.S. government uses the term "public charge" to describe **someone applying for a green card or trying to enter the U.S. who they believe will be dependent on the government for their basic needs** for a long time. If the government thinks you may be a public charge, they might not let you have a green card or enter the U.S.

### **How does someone become a public charge under CURRENT RULE?**

Currently, the government considers non-citizens to be a public charge if they are receiving...

- ✓ Cash assistance (SSI, CalWORKS, General Assistance)
- ✓ Long-term placement in a government facility (usually Medicaid nursing home or mental health institution)

**Nothing else counts toward being a public charge at this time.**

### **Can anyone be a public charge?**

**No.** Even if you're receiving one of the things listed above, **you aren't a public charge if you belong to certain groups, including...**

- ☒ Lawful permanent residents ("green card holders")
- ☒ Naturalization applicants (people applying for citizenship)
- ☒ Refugees & asylees, people with U-visas or T-visas, or people applying under the Violence Against Women Act (VAWA)
- ☒ Special immigrant juveniles (many unaccompanied minors are in this group)
- ☒ U.S. Citizens

### **Only my children or family members are receiving benefits, not me. Does the public charge rule affect me?**

**No.** Public charge only counts against you **if YOU are receiving benefits directly.**

The only **exception** is when your children's CalWorks benefits are your only source of support.

### **Can my children be affected by the public charge rule?**

If a child is **receiving benefits and applying for their own green card**, then public charge **does** affect them.

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## Public Charge: THE PROPOSED RULE

### **I heard there might be changes to the public charge rule. Is that true?**

**Nothing has changed as of now**, but the federal government has **proposed** changing the public charge rule to add more federal programs for immigration officials to consider when people are applying for lawful permanent resident status (a green card), or applying to enter the U.S.

### **Which programs would be affected if the rule changes?**

Again, the rule has **not changed YET**. This is what is being **proposed**:

If the rule passes, immigration officials <b>WOULD</b> consider use of these programs.	These programs <b>WOULD NOT</b> be considered, even if the rule changes.
<ul style="list-style-type: none"> <li>✓ Medi-Cal (non-emergency Medicaid)</li> <li>✓ CalFresh (Supplemental Nutrition Assistance Program)</li> <li>✓ Housing support (Section 8, public housing programs)</li> <li>✓ Medicare Part D subsidies</li> </ul>	<ul style="list-style-type: none"> <li>⊗ Emergency Medi-Cal</li> <li>⊗ My Health LA &amp; other LA County programs</li> <li>⊗ Sliding fee programs at Kheir &amp; other clinics</li> <li>⊗ Earned Income Tax Credit (EITC)</li> <li>⊗ Covered CA health insurance subsidies</li> <li>⊗ WIC (Women, Infants &amp; Children program)</li> <li>⊗ Head Start</li> </ul>
<p>The following programs are <b>NOT LISTED SPECIFICALLY</b> in the proposed rule, but it is not yet clear if and how they will be affected.</p>	
<ul style="list-style-type: none"> <li>⊗ Pregnancy Medi-Cal</li> <li>⊗ CHIP (Children’s Health Insurance Program)</li> <li>⊗ Family PACT</li> <li>⊗ PrEP/PEP Assistance (HIV prevention programs)</li> <li>⊗ Ryan White/ADAP (HIV/AIDS treatment programs)</li> </ul>	

### **Should I stay away or withdraw from these programs now?**

**No. There is NO BENEFIT to withdrawing from these programs as of now.** These are still just proposed changes. **Even if the rule passes, it will be many months until it goes into effect.** The changes would only apply to those who are using benefits *after* the rule is finalized (*not before*).

### **What should I do now?**

If you want to **share your opinion** on this proposal, the federal government is allowing all U.S. residents (including non-citizens) to make a comment **on the Federal Register website here: <https://bit.ly/2pCG21r>**. On December 10<sup>th</sup>, they will close the comments and respond to all remarks. After that, they will decide whether to make the change official.

**If you would like to speak to someone about how this rule might hurt you or your family, call:**

- **Legal Aid Foundation of Los Angeles:** (800) 399-4529 • 9 a.m. to 12 p.m. Monday-Friday
- **Public Counsel:** (213) 385-2977 • 9 a.m. to 5:15 p.m. Monday-Friday
- **Asian Americans Advancing Justice:** (888) 349-9695 • 10 a.m. to 3 p.m. Monday-Friday



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