



PUBLIC CHARGE: WHAT THE IMMIGRANT COMMUNITY NEEDS TO KNOW

WHAT IS PUBLIC CHARGE?

A test to determine if someone applying for permanent residence through a relative or a visa to enter the United States is likely to depend on public benefits in the future.

WHO DOES PUBLIC CHARGE AFFECT?

It only applies to people applying for permanent residence (green card) through a relative or for a visa to enter the United States. No other types of immigration cases are impacted!

WHAT DOES THE NEW PUBLIC CHARGE RULE SAY?

The new rule sets a stricter test for people to show they will not depend on public benefits in the future. An immigration officer will consider different factors, including family income, receipt of certain public benefits, and how likely the applicant is to be employed.

WHEN WILL THE NEW RULE TAKE EFFECT?

The new rule will take effect on October 15, 2019. However, there are different lawsuits challenging the rule that may delay its implementation.

DOES THIS NEW RULE AFFECT MY ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS?

No! The new public charge rule does not change eligibility for health and public benefits programs. If you qualify for certain public benefits, you are still eligible.

WHO IS NOT AFFECTED BY PUBLIC CHARGE?

Many immigrants do not have to worry about public charge:

- Refugees and asylees
- People with a U Visa, T Visa, VAWA, or SIJS
- DACA and TPS applicants
- The majority of permanent residents
- U.S. Citizens

I WANT TO APPLY TO BECOME A U.S. CITIZEN, WILL IT HURT MY CASE IF I USE BENEFITS?

No! There is no public charge test for naturalization, which is the process to become a U.S. citizen. Permanent residents that travel outside the United States for more than 180 days could be subject to public charge rules.

IF I AM USING FOOD STAMPS OR MEDI-CAL NOW, WILL IT HURT MY CASE?

No! The new rule does not consider these benefits received before October 15, 2019.

WHAT IF MY CHILDREN OR OTHER FAMILY MEMBERS RECEIVE PUBLIC BENEFITS?

The rule only considers benefits received by the person applying for permanent residence or the visa. Benefits received by family members, like U.S. citizen children, will not count against you. If you are ready to become a permanent resident, consult with an immigration expert, especially if you have to leave the United States for your green card interview, as the rules are different for people in that situation.

ARE ALL PUBLIC BENEFITS PART OF THE RULE?

No! WIC, Medi-Cal for pregnant women and children under 21, Head Start, school lunches, and other benefits are not part of the public charge rule and will have no impact. Eligible families should continue to receive these important benefits!

I ALREADY FILED MY GREEN CARD APPLICATION, DOES THE NEW RULE APPLY TO ME?

No! The new rule does not apply to cases filed before October 15, 2019.

I HAVE QUESTIONS...WHAT SHOULD I DO?

Consult an immigration expert to discuss your individual case before making important decisions about the well-being of your family. Visit <https://ready-california.org/legal-service-directory/> to find a trusted legal service provider in your area.