What is "Public Charge?"

Your eligibility for services, regardless of immigration status
No matter your immigration status, you and your family may be eligible for many County benefits and services, including health, nutrition, housing, and other benefits and services.

What is the new "public charge"?
The new “Public Charge” rule applies a stricter test for determining whether an immigrant is likely to become dependent upon the government. Under the new rule, an Immigration Officer will consider an applicant’s likely use of a broader set of Public Benefits.

For a detailed definition, please visit www.sccoir.org/publiccharge.

The new “public charge” rule may apply to you if you are:

- A person within the United States applying for Lawful Permanent Residence (LPR or green card)
- A person arriving to the United States and is seeking entry
- A Lawful Permanent Resident (LPR or green card holder) returning to the U.S. after 180 days abroad

The new “public charge” rule does not apply to you if you are:

- A U.S. citizen or if you are applying for U.S. citizenship
- A Lawful Permanent Resident (LPR or green card holder) unless you are returning after 180 or more days abroad
- A refugee or if you are applying for refugee status
- An asylee or if you are applying for asylum

Additional categories of immigrant statuses are not considered. For an expanded list, please visit www.sccoir.org/publiccharge.

Get the services you need and stay informed
Every family is different. To make the right choice for your family, consult with trusted legal service providers.

These organizations provide free or low-cost legal advice on immigration and public benefits:

- **Bay Area Legal Aid**: (408) 850-7066 English, Spanish
- **Asian Law Alliance**: (408) 287-9710 English, Vietnamese, Chinese, Tagalog, Korean, Spanish
- **Law Foundation**: (408) 293-4790 English, Vietnamese, Chinese, Spanish, and more

*Law Foundation does not specialize in immigration law but individuals with questions about using public benefits are encouraged to call.*
FREQUENTLY ASKED QUESTIONS

What's happening now?

The Supreme Court’s ruling on January 2020 allows the new "public charge" rule to take effect. USCIS will only consider public benefits received on or after Feb. 24, 2020. Visit www.sccoir.org/publiccharge for updates.

Remember,

1. This rule does not apply to all immigrants. Many immigrants are not affected.
2. This rule does not consider all Public Benefit programs
3. Use of public benefits does not automatically trigger a public charge determination
4. Family members' benefit use will not count in public charge decisions made in the U.S.

Which programs are considered under the new public charge rule?

Use of Cash Assistance benefits, for example
- CalWORKs
- General Assistance
- Supplemental Security Income (SSI)

Use of long-term care institutions paid at government expense, for example
- Nursing Home
- Mental Health Facility

Use of Non-Cash benefits
- Medi-Cal (full coverage for adults) *
- CalFresh (federally funded)*
- Section 8 Voucher Housing Assistance*
- Section 8 Project-Based Rental Assistance*
- Federal Public Housing*

*Indicates that this program has been added to the new rule

Which programs are not considered under the new public charge rule?

Use of Non-Cash benefits, for example
- WIC
- Medicare
- Children’s Health Insurance Program (CHIP)

Use of cash benefits they earned, for example
- Social Security benefits
- Unemployment benefits

Benefits used by family members

This information is general in nature and is not legal advice. How the public charge rule applies to an individual may depend on the individual's specific circumstances. For information or advice about a specific case, please consult with trust legal services providers.