Update 2010-14: Common Place Handbook
Public Charge

Background

All-County Information Notice (ACIN) #I-16-10 was issued to provide clarification regarding “Public Charge” as defined by the United States Citizenship and Immigration Services (USCIS).

There are fears and concerns associated with a noncitizen being designated a “public charge.” The immigrant community may be reluctant to apply for Food Stamp benefits due to the fear of being subject to deportation or ineligibility for U.S. citizenship.

Knowledge about “public charge” helps noncitizens and their families make informed choices about whether to apply for certain benefits.

Policy

There is no change in policy. This Update serves as a clarification and reminder about “public charge.”

“Public charge” is a term used by USCIS to describe a noncitizen who is likely to become dependent on public benefits. However, receipt of public benefits does not automatically make a noncitizen a “public charge.”

Common Place Handbook, “Public Charge,” page 13-7” provides information regarding “public charge.” However, USCIS has sole discretionary authority over the public charge issue; therefore, information in the Common Place Handbook strictly serve as guidelines on this matter.
The list under “Benefits Not Subject to Public Charge Consideration” has been expanded and now includes the following:

- Other health care programs such as Medi-Cal, Healthy Families and county health care initiatives
- Food Stamps
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC), school lunch, food pantries and other supplementary and emergency food assistance programs
- Emergency shelter, public housing, energy assistance
- Emergency disaster relief
- Job training
- Non-cash benefits under Temporary Assistance for Needy Families (TANF), such as subsidized child care or transportation allowance
- Foster Care and adoption assistance
- Educational assistance (such as attending public school), including benefits under the Head Start Act and aid for elementary, secondary, or higher education
- Cash payments that have been earned, such as Title II Social Security benefits, government pensions, and veterans’ benefits, among other forms of earned benefits
- Unemployment compensation

Some of the above programs may provide cash benefits, such as energy assistance, transportation or child care benefits. Since the purpose of such benefits is not for income maintenance, but rather to avoid the need for on-going cash assistance for income maintenance, they are not subject to public charge consideration.

This Update is not a change in policy, but rather a clarification of existing policy.

This Update affects the CalWORKs, Refugee Cash Assistance, Food Stamps, Medi-Cal, Foster Care, Cash Assistance Program for Immigrants (CAPI) and General Assistance programs.
Contact Person(s): Ana Labrador, Immigration Program Coordinator, (408) 491-6700.