



# CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY PUBLIC CHARGE GUIDE

September 2019

## Every family is different, reach out for legal advice first.

An immigration or public benefits attorney can give you advice based on your specific situation. You can find a list of legal services providers on the California Department of Social Services [website](#).

It is important to have accurate information, before you make a decision regarding your public benefits, so you can make the right choice for the health and well-being of your family.

## Not all immigrants are subject to the new federal policy.

Many immigrants are not affected by this new federal policy.

It does **NOT** apply to lawful permanent residents (green card holders) who apply for citizenship, Refugees, Asylees, Special Immigrant Juveniles, certain trafficking victims, certain victims of qualifying criminal activity, or certain victims of domestic violence, among others.

## Not all programs are subject to the new federal policy.

Public programs used by your children, who are United States citizens, cannot be used against you or another immigrant parent in a public charge determination.

- ✓ If you are only receiving nutrition benefits through the Women, Infants, and Children Program or WIC, you are **NOT** impacted by this federal policy.
- ✓ If you are only receiving subsidies for health insurance coverage through Covered California, you are **NOT** impacted by this federal policy.
- ✓ If you are under the age of 21 and only receiving Medi-Cal benefits, you are **NOT** impacted by this federal policy.
- ✓ If you are a pregnant woman, or within 60 days following the birth of a child, and only receiving Medi-Cal benefits, you are **NOT** impacted by this federal policy.
- ✓ If you are only covered for emergency medical services as part of Medi-Cal, you are **NOT** impacted by this federal policy.

## Public Charge Policy

Under longstanding federal policy, the Federal Government can deny an individual entry into the United States, or adjustment to lawful permanent resident status, if he or she is determined likely to become a public charge.

Public charge is a term used in immigration law to refer to a person who is or might be dependent on public programs as their main source of support.

Application for or use of certain public benefits is just one factor of many that is considered in determining if a person is likely to become a public charge.

In August of 2019, the Federal Government released a new public charge policy. Under the new federal policy, a public charge is redefined as an immigrant who receives one or more public benefits for more than 12 months over a 36-month period.

## Effective Date

The federal policy change will not go into effect until **October 15, 2019**.

There are several legal challenges that are seeking to stop the federal policy from being implemented. If successful, there will be a delayed implementation, or the policy could potentially never go into effect.

Benefits, other than cash assistance and long-term care services, used before October 15, 2019, will not be considered in public charge determinations.

Need More  
INFORMATION?



<https://immigrantguide.ca.gov>

# FAST FACTS

California is home to many newcomers from all over the world. In an effort to integrate immigrants, California offers services that help immigrants become part of the social, economic and civic fabric of our state.

**11 million**

Californians are foreign born

**1 in 2**

Children in California has at least one immigrant parent

**74%**

Non-citizens live in households with a citizen

**\$715 billion**

Immigrants' contribution to California's economy

**35%**

California's civilian workforce is comprised of immigrants

**4.7 million**

Californians live with an undocumented family member

## Programs included in public charge consideration.

You should consult with an immigration or public benefits attorney to better understand the impact of accessing public programs, including but not limited to the following:

- ✓ CalWORKs or TANF
- ✓ CalFresh or SNAP
- ✓ Medi-Cal or Medicaid (Adults +21 Only)
- ✓ In-Home Supportive Services (Adults +21 Only)
- ✓ Supplemental Security Income

## Appointments scheduled prior to effective date.

You should keep your doctor, or any other health and human services, appointments that are scheduled prior to the October 15, 2019 effective date.

## Family members accessing public programs.

The Federal Government will only consider public benefits received directly by the person who is applying for the change in status, or if they're listed as a beneficiary. This means that your family members accessing public programs will have no impact on you.

## Personal information and your privacy.

The information you provide for the enrollment of public programs cannot be shared publicly. However, the Federal Government may share your information internally between its own departments and agencies. You should only provide the information that is necessary for eligibility determination.

## Impact on lawful permanent residents.

There is no public charge policy to renew a green card. There is no public charge policy to apply for citizenship (naturalization).

It is important for lawful permanent residents or green card holders to speak to an immigration or public benefits attorney before leaving the United States for more than 180 days. This federal policy could apply if a green card holder leaves the United States for more than 180 days. If a green card holder travels outside the United States for more than 180 days during one trip, the government can ask questions to see if the person is a public charge upon returning to the United States.

