“PUBLIC CHARGE” GENERAL INFORMATION

What is “public charge”?
Public charge is a "test" used by immigration officials to decide whether a noncitizen will likely rely on the government for support. This decision is made when an individual applies to enter the U.S. or to adjust his or her status to become a legal permanent resident (LPR, also known as a "green card" holder).

Immigration officials look at many factors during this application process, including the applicant's age, health, finances, and education. They also consider whether the applicant uses certain public benefits.

What happens if you are found to be a "public charge"?
If an immigration official determines that someone is likely to become a public charge, the official can deny that person entry into the U.S. or LPR status ("green card" status).

Who does the “public charge” test apply to?
Immigration officials apply the “public charge” test only to certain categories of individuals applying for visas or green cards. For example, the public charge test applies to family-based visa applicants and most employment, tourist, and education-based visa holders.

Green Card Holders
The public charge test does not apply to green card holders applying for naturalized citizenship.

It also does not apply to most green card holders seeking reentry into the U.S., unless they leave the country for more than 6 months or have certain criminal convictions.

Other Exceptions
In addition to green card holders, there are many categories of noncitizens to whom the “public charge” test does not apply, including:

- Refugees
- Asylees
- Violence Against Women Act (VAWA) self-petitioners
- U-visa and T-visa
- Special immigrant juveniles
- Temporary Protected Status
- Other categories of noncitizens (e.g., DACA)

PLANNED CHANGES TO THE “PUBLIC CHARGE” TEST

What changes is the federal government planning to make to the “public charge” test and when will they take effect?

This material is for informational purposes only and does not constitute legal advice. If you have questions about public charge or how signing up for public programs could impact your immigration status in the future, you should call your immigration lawyer. If you do not have an immigration lawyer, you can call the Office of Immigrant Affairs at 1-800-593-8222 to be connected with a free or low-cost legal aid immigration attorney.
The Department of Homeland Security has made two big changes to the “public charge” test, which will go into effect on October 15, 2019, unless a lawsuit prevents implementation:

1. In addition to looking at use of cash assistance programs such as CalWORKs, General Relief (GR), SSI, or the Cash Assistance Program for Immigrants, and Long Term Care Medi-Cal, beginning on October 15, 2019, immigration officials will also consider use of non-cash public benefits, including:
   a. CalFresh (food stamps);
   b. Medi-Cal (federally funded), except for benefits for youth under 21 and pregnant women through 60 days post-pregnancy, emergency services, Individuals with Disabilities Educational Act benefits, and school-based services or benefits;
   c. Section 8 voucher programs and rental assistance; and
   d. Public Housing.

2. The “public charge” test will apply to individuals with certain visas already in the U.S. who are applying to extend their stay or change their visa status (e.g., updating a student visa to an employment visa).

Are Women, Infants, and Children (WIC), Children's Health Insurance Program (CHIP), and Head Start included in the “public charge” test?

No. WIC, CHIP, and Head Start are not considered under current or planned “public charge” rules.

Do the planned changes to the “public charge” test affect my eligibility for health, housing, or nutrition programs?

No. The planned changes will not affect your eligibility for benefits. Individuals who are currently eligible for or enrolled in public benefits may continue to apply for or receive health services, nutrition benefits, housing programs, or other services if they choose to do so.

I’m applying for my green card, but my child receives public benefits. Should I cancel my child's benefits because of “public charge”?

The “public charge” test only looks at benefits that YOU use, not benefits used by your child or other family members.

RESOURCES

How can I find out if the planned changes to the “public charge” test affect me?

If you have questions about how these planned changes to the “public charge” test could affect your immigration status, you should consult a reputable immigration attorney. You can contact the Office of Immigrant Affairs at 1(800) 593-8222 or oia.lacounty.gov to be connected to a free or low-cost immigration attorney.

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