

Frequently Asked Questions: Final Public Charge Rule and Public Benefits

This information is current and accurate as of January 30, 2020.

1. What is public charge and when does the final public charge rule go into effect?

On January 27, 2020, the [Supreme Court](#) lifted a nationwide injunction that had paused the implementation of the public charge rule. This was the last of the three-district court nationwide injunctions standing, which means that the Department of Homeland Security (DHS) rule can go into effect nationwide, except in Illinois where it is blocked by a statewide injunction. We understand DHS will implement this final rule on or after February 24, 2020.

“Public charge” is a test used by US Citizenship and Immigration Services (USCIS) to decide who they will allow into the United States, who can renew certain temporary visas, and who can get Lawful Permanent Residency (LPR)—also known as a green card. **NOTE: Public charge does not apply to LPRs petitioning to become naturalized U.S. citizens.**

2. What is changing under the final public charge rule?

Under the final rule, the Department of Homeland Security has redefined public charge as someone who is “more likely than not” to receive public benefits for more than 12 months within any 36-month period.

The following is a list of public benefits that are now included to be considered:

- CalWORKs
- General Assistance (GA)
- Supplemental Social Security (SSI)
- Long-Term Care
- Medi-Cal
- CalFresh
- Public Housing
- Section 8 Assistance

3. Are there any benefits that are not considered in the final rule?

Yes, the following is a list of benefits that are excluded from being considered:

- Medi-Cal for children and pregnant women
- Disaster Relief
- School Nutrition Programs
- Women, Infants, and Children (WIC)
- Foster Care and Adoption
- Head Start
- Earned Income Tax Credit (EITC)
- Child Tax Credit (CTC)

4. When will the final public charge rule be applied?

The new public charge rule will apply at certain points of the immigration pathway:

- When an individual applies to enter the United States
- When an individual applies to become Lawful Permanent Residents (LPR) through a family member or employer

5. Does the final public charge rule apply to all immigrants?

No, the following is a list of categories that are exempt:

- Naturalized U.S. Citizens
- Lawful Permanent Residents
- Refugees and Asylees
- Special Immigrant Juvenile Status
- U-Visa and T-Visa Holders
- Violence Against Women Act (VAWA) Self-Petitioners
- Deferred Action Childhood Arrivals (DACA)
- Temporary Protected Status (TPS)
- Afghan and Iraqi Special Immigrants
- Individuals granted relief under:
 - CAA
 - NACARA
 - HRIFA

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6. I have questions about my immigration status and whether to apply for public benefits. Who should I talk to about my questions?

The Social Services Agency encourages individuals and families to seek advice from reputable non-profit immigration service providers including but not limited to the following referrals:

- Asian Pacific Islander Legal Outreach (510) 251-2846
- Bay Area Legal Aid (510) 663-4744
- Catholic Charities of the East Bay (510) 437-1554
- Centro Legal De La Raza (510) 437-1554
- East Bay Community Law Center (510) 548-4040
- International Institute of the East Bay (510) 451-2846

7. Has eligibility for public benefits changed?

No. The rules for California's public benefits and services have not changed. Eligibility requirements remain the same for individuals and families. The Social Services Agency will continue to process all applications and renewals and provide benefits to eligible individuals and families just as they did prior to the new public charge rule.

8. What does this mean to individuals and families who are currently receiving public benefits and have pending immigration cases? What should they do?

Each immigration case has a unique set of circumstances, no two cases are the same. Individuals and families should be referred to speak with a reputable immigration attorney. **At no time should the Social Services Agency staff provide any legal guidance to individuals and families.**

9. Individuals and families are concerned about the privacy of their information. How is the information they provide used by the Social Services Agency?

The Social Services Agency uses the information provided only to see if individuals and families are eligible for benefits. The federal government does not have access the Agency's systems for immigration enforcement action. The Social Services Agency may need to verify the information provided on a public benefit application with the federal government, but only to confirm eligibility to receive services. The Agency does not share any information about household members who are not applying for benefits, just the information provided about a financial sponsor.

10. Will discontinuing benefits remove case information from the CA Department of Social Services computer systems?

No. State and local computer systems keep a record of all cases, so the Social Services Agency will continue to have the information on file.

11. Where can individuals find additional information on public charge?

- [California Department of Social Services](#)
- [County Welfare Directors Association of California](#)
- [National Immigration Law Center](#)
- [CA Immigrant Policy Center](#)

12. Will more information on the new public charge rule be shared?

Yes. Visit the Office of Policy, Evaluation and Planning website for updated [immigration resources](#). View the [Public Service Announcement on public charge](#) for additional information.