

# WHAT IS PUBLIC CHARGE?



**PUBLIC CHARGE** is a rule that immigration can use to deny an application for permanent residence (green card) or certain other visas if the applicant is likely to depend on certain government programs in the future. The Public charge test only looks at certain benefits that the applicant gets (see other side). It also considers his/her current situation, health, age, employment, skills, education, family/sponsor income.

Public charge **DOES NOT AFFECT APPLICANTS** for:

- U.S. citizenship
- Green card renewals
- Asylum/refugee status
- Special Immigrant Juvenile (SIJ) Status
- TPS
- VAWA, U or T visas
- Green cards based on U/T/SIJ, VAWA or Asylum
- DACA renewals

## **FOR HELP APPLYING FOR BENEFITS:**

- Coastside Hope: 650-726-9071
- Fair Oaks Community Center: 650-780-7500
- JobTrain: 650-330-6428

## **FOR IMMIGRATION QUESTIONS:**

- Coastside Hope: 650-726-9071
- Immigration Institute of the Bay Area: 650-780-7530
- Catholic Charities: 650-295-2160
- Community Legal Services in EPA: 650-326-6440
- Asian Pacific Islander Legal Outreach: 415-567-6255
- Legal Aid Society of San Mateo County: 650-517-8936

## **FOR LEGAL ADVICE ABOUT PUBLIC BENEFITS OR PUBLIC CHARGE:**

- Legal Aid Society of San Mateo County: 650-558-0915  
Toll-Free: 800-381-8898 | Fax: 650-517-8973

# DOES PUBLIC CHARGE AFFECT YOU?



**Do you already have a green card?**



**CURRENTLY, PUBLIC CHARGE DOESN'T APPLY.**

But, if you use the listed benefits and plan to leave the U.S. for more than 6 months, get immigration advice.



**Are you applying for:**

- Citizenship
- Green card renewal
- DACA renewal
- U or T Visa
- Asylum or Refugee status
- TPS
- VAWA
- Special Immigrant Juvenile Status
- Green Card based on U/T/SIJ, VAWA or Asylum



**PUBLIC CHARGE DOESN'T**

**APPLY** for these application. You may use any benefits for which you qualify.



**Are you or your family applying for a green card in the U.S. through a family member?**



**A PUBLIC CHARGE TEST MAY APPLY.**

- USCIS (immigration) weighs many factors (income, health, skills) in the test, including the listed benefits.
- Family members may use any benefits for which they qualify, unless it's the family's only income.
- Talk to a qualified lawyer if you have concerns.



**Is your green card interview outside the U.S. at a consulate?**



**THE NEW PUBLIC CHARGE TEST MAY APPLY.**

Talk to a qualified lawyer about this.



**WHAT USCIS CONSIDERS FOR PUBLIC CHARGE TEST:**

If you applied for the green card before February 24, 2020, only these benefits obtained for the applicant count for the public charge test:

- Cash benefits
  - SSI, CalWORKs/TANF, CAPI, General Assistance
- Long-term care (nursing home) under Medi-Cal/Medicaid

Income, health, skills, and sponsor also count.

If you apply for a green card on or after February 24, 2020, the public charge test looks like this (factors in bold are given more weight):

**Positive Factors**



- **Income > 250% Federal Poverty Level (FPL)**
- Income >125% FPL
- Good credit
- Savings



- High School or other degrees/certificates
- Good English



- Healthy
- Medical Insurance
- 18-61 years old



- Affidavit of Support - sponsor's income and relation to immigrant weighed

**Negative Factors**



- **Income < 125% FPL**
- Bad credit/fee waivers
- Benefits immigrant receives:
  - TANF/CalWORKs, SSI, CAPI, GA
- Benefits received on or after 2/24/2020:
  - Federally funded Non-Emergency Medi-Cal/Medicaid unless <21 yrs. old or pregnant
  - Federal SNAP/Food Stamps/CalFresh
  - Federal housing/Section 8
- **Use of listed benefits for 12 of last 36 months\***



- Poor English
- No high school diploma/GED



- **Health condition that hinders work/school without private insurance**
- <18 or >61 yrs. old

\* (use of 2 benefits in 1 month counts as 2 months)