

FREQUENTLY ASKED QUESTIONS: PUBLIC CHARGE

Los Angeles County (Updated Dec. 10, 2018)

The **U.S. Department of Homeland Security (DHS)** recently proposed changes to the “public charge” test, which applies to certain immigrants today. This **FAQ** shares important information about how these proposed changes could impact immigrants and their families in L.A. County.

At the moment, **the current “public charge” test has not changed.** However, if you have questions about how your immigration status could be affected by the DHS proposal, you should consult an immigration attorney. **Contact the L.A. County Office of Immigrant Affairs (OIA) to be connected to free or low-cost legal aid immigration assistance: (800) 593-8222, oia.lacounty.gov.**

“Public Charge” Today

1. What is a “public charge”?

In current immigration law, a “public charge” is a person who relies on the government for support.

2. What is a “public charge” test?

Today, DHS uses a “public charge” test to determine if someone is or is likely to become a “public charge.” DHS uses this test in two situations:

- When an immigrant applies for a visa to enter the U.S., or
- When an immigrant who already lives in the U.S. applies for legal permanent residency (also known as a “green card”).

DHS looks at many factors during this process, including a person’s age, health, finances, and education. DHS also considers whether a person is primarily dependent on certain public benefits, including cash assistance through CalWORKS, Supplemental Security Income (SSI), General Relief (GR), the Cash Assistance Program for Immigrants (CAPI), and long term care (LTC) Medi-Cal. If DHS determines that someone is or is likely to become a “public charge,” DHS may **deny** that person a visa or green card.

3. Who does the “public charge” test apply to?

Today, DHS only applies a “public charge” test to certain noncitizens applying for visas or green cards.

The “public charge” test **does not apply to refugees, asylees, certain visa-applicants** (such as survivors of trafficking), and other categories of noncitizens. Additionally, the test **does not apply to green card holders** who are applying for U.S. citizenship, except under limited circumstances where they have committed certain crimes or have been outside the United States for more than 180 days. The “public charge” test also generally **does not apply to immigrants who are undocumented** unless they apply for a visa or green card.

If you have a question about whether the “public charge” test applies to you, you should talk to an immigration attorney. Please contact the **OIA at (800) 593-8222 or oia.lacounty.gov** to be connected to a free or low-cost immigration attorney.

4. What benefits are counted in a “public charge” test today?

SSI, CalWORKs, GR, CAPI, and LTC Medi-Cal.

Proposed Changes to the “Public Charge” Test

5. What changes is DHS proposing to make to the “public charge” test?

DHS has proposed making two significant changes to the “public charge” test:

- Expand the public benefits that count in a “public charge” test to include non-cash public benefit programs, including: non-emergency Medi-Cal; the Medicare Part D Low Income Subsidy Program; CalFresh; Section 8 voucher programs; and subsidized public housing; and
- Apply the “public charge” test to additional groups of immigrants (people with visas who are applying to extend their stay or change their visa status).

6. Does using non-emergency Medi-Cal, the Medicare Part D Low Income Subsidy Program, CalFresh, Section 8 Voucher Programs, or subsidized public housing threaten my immigration status today?

Not at the moment. As of today, the “public charge” rules have not changed and DHS will only consider a person’s use of SSI, CalWORKS, GR, CAPI, and LTC Medi-Cal when looking at a person’s use of benefits in a “public charge” test.

Although DHS is considering changing the rules for the “public charge” test to count other types of benefits, these changes are not yet in effect.

If you have questions about how using non-emergency Medi-Cal, Medicare Part D Low Income Subsidy Program, CalFresh, Section 8 voucher programs, or subsidized public housing could impact your immigration status if DHS’s proposed changes become final, you should contact an immigration lawyer. You can contact the **OIA at (800) 593-8222 or oia.lacounty.gov** to be connected to a free or low-cost immigration attorney.

7. Are Women, Infants, and Children (WIC) and Head Start included in the “public charge” test?

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

8. Do DHS’s proposed changes to the “public charge” test affect my eligibility for health, housing, or nutrition programs?

No. DHS's proposed changes will not change 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.

If you have questions about how receiving public benefits could impact your immigration status if DHS’s proposed changes go into effect, you should consult an immigration lawyer. You can contact the **OIA at (800) 593-8222 or oia.lacounty.gov** to be connected to a free or low-cost immigration attorney.

9. I'm applying for my green card, but my child is a citizen, should I cancel her benefits because of “public charge”?

Do not cancel your child's benefits. The current “public charge” test only looks at benefits that YOU use, not benefits used by your child or other dependents who are U.S. citizens.

If you have a question about whether the proposed changes to the “public charge” test apply to you or your child, you should consult an immigration lawyer. You can contact the **OIA at (800) 593-8222 or oia.lacounty.gov** to be connected to a free or low-cost immigration attorney.

10. Could DHS’s proposed changes to the “public charge” test become final?

Possibly. However, before DHS can make any changes final, it must go through a process that may take many months to complete.

Resources for Help

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

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

12. Where can I learn more about public programs to help me with my health care, housing, education, and food-related needs?

The County provides services to all residents, regardless of their immigration status. You may be eligible for the County’s health services, nutrition benefits, housing programs, or other vital services.

- To learn more about health and nutrition-related programs and services that can help support you and your family, please contact the **L.A. County Department of Public Social Services – Customer Service Center at (866) 613-3777 or dpss.lacounty.gov**.
- For housing-related assistance, please contact the **L.A. County Community Development Commission/Housing Authority at (626) 262-4510 or www.hacola.org**.
- For information about other available County services (health care, consumer fraud protection, minimum wage, financial education, small business support, job opportunities, etc.) contact the **OIA at 800-593-8222 or oia.lacounty.gov**.