

“Public Charge” and Public Benefits Assistance Programs

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What is Public Charge?

“Public Charge” is a test applied to some immigration applications to determine whether the applicant is likely to become primarily dependent on the government for income support. In *specific situations*, an immigration officer can consider whether someone is likely to be primarily dependent on cash aid or long-term institutionalized care. This law does not change who is eligible for many public benefits and programs (see below).

Who does the Public Charge Test apply to?

The Public Charge Test is applied to the following 2 situations:

- All Visa Applicants (to enter the United States, including F-1 students)
- Applicants for a green card through a family member who is a U.S. citizen or green card holder, or through employment

What Public Benefits Assistance Programs are restricted as part of Public Charge?

Public Charge is assessed by demonstrated reliance on:

- Cash assistance for income maintenance. Cash assistance programs are the following:
 - Supplemental Security Income (SSI)
 - Temporary Assistance for Needy Families (TANF)
 - CalWorks
 - General Assistance or General Relief programs (GA/GR)

OR

- Institutionalization for long term care *at government expense* (like a nursing home or mental health institution)

Visa holders should take care **not** to apply for or use these programs/services.

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What Public Benefits Assistance Programs are NOT restricted as part of Public Charge?

Many public benefits programs are NOT restricted as part of Public Charge, including:

- Children’s Health Insurance Program (CHIP)
- Medicaid/Medi-Cal
- Food stamps/SNAP/CalFresh
- Section 8 rental assistance and federal public housing
- Emergency and school- based Medicaid
- Services available to the community at large (meaning those that are offered with no income requirement to qualify)
- Women, Infants, & Children (WIC) benefits
- Public health services, like free vaccinations
- School- based nutrition services, like free and reduced cost school meals
- Public education and Head Start
- Earned benefits, such as unemployment, social security retirement, worker’s compensation
- Eligible Tax credits
- Any other federal, state, or local benefit *besides* cash aid or long-term institutionalization
- ANY benefits received by family members

Visa holders may apply for and use these programs/services, if you qualify. Please contact the agency to determine eligibility. ISO cannot advise you on your eligibility for public programs.

Still concerned and need a legal consultation?

National legal directory by zip code of nonprofits providing immigration legal services:

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

Selected list of immigration legal service providers in CA:

<http://www.cdss.ca.gov/Benefits-Services/More-Services/Immigration-Services/Immigration-Services-Contractors>