

Public Charge: Fighting Fear with Facts

Last week, the United States Supreme Court, in a 5:4 ruling, lifted an injunction on the Department of Homeland Security's new [public charge rule](#). The new rule will go into effect February 24, 2020*. The “public charge” inadmissibility test has been part of federal immigration law for over a hundred years. It is designed to identify people who may depend on government benefits as their main source of support to deny them admission to the United States or refuse an application for lawful permanent resident status (a “green card”). Although the new rule makes it significantly harder for low to moderate income immigrants to obtain lawful permanent status, it does not apply to all immigrants or all government programs. It is confusing, and we anticipate this may have some chilling effects throughout our communities. So, we must fight fear with the facts:

- Public education is a right and not a public benefit as defined by the rule.
- Attending school will not impact a child’s or family member’s immigration status.
- K-12 school programs, including nutrition programs, are not subject to the new rule.
- Other benefits received by children or family members of the applicant do not apply.
- This rule does not apply to lawful permanent residents (green card holders) applying for citizenship, refugees, asylees, Special Immigrant Juveniles (SIJs), certain trafficking victims (T nonimmigrants), victims of qualifying criminal activity (U nonimmigrants), or victims of domestic violence (VAWA self-petitioners), among others.

Californians Together will stand by our immigrant students and families, as we continue to work every day to support districts and schools to ensure safe, inclusive, and equitable learning environments for all California students.

Resources for more information about the public charge rule:

[Letter from Superintendent of Public of Instruction, Tony Thurmond](#), direction given to our California School leaders

[Who is Affected](#) by the Public Charge Rule? (quick reference) And an updated summary of the changes to the public charge rule and [FAQs](#) From Protecting Immigrant Families.

[The California Immigrant Guide](#), from the State of California,

*Although the ruling is effective in all states except Illinois, it still faces various legal challenges brought by other states and organizations, including a case involving California's fight against the permanent implementation of the rule.

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