U.S. Department of Homeland Security (DHS) “Public Charge” Final Rule

The “Inadmissibility on Public Charge Grounds” rule was finalized by DHS on August 14, 2019. The rule will become effective on February 24, 2020.

What is Public Charge?
- Public charge is a designation that immigration officials can give to an immigrant who is seeking to change their immigration status if they determine that person is currently or likely at any time in the future to become reliant on public benefits.
- Designation as a public charge can be grounds for denial of one’s lawful permanent residence (LPR, or “green card”) application.

Who Would Be Impacted by this Change?
- Applications submitted on or after February 24, 2020 by the following categories of immigrant:
  - Non-citizens applying for lawful permanent resident (LPR) status.
  - Some individuals seeking an extension or adjustment of their non-immigrant status.
  - Immigrants seeking admission to the United States.
  - Family-based petitioners seeking to become LPRs.

Who Would NOT Be Impacted by this Change?
- U.S. citizens.
- Current lawful permanent residents and lawful permanent residents applying for citizenship.
- Asylum-seekers, refugees, self-petitioners under the Violence Against Women Act, and survivors of trafficking.
- Undocumented immigrants and other categories of non-citizens.

What are the Benefits Considered for a Public Charge Designation?
- One or more of the following benefits received for more than 12 months in the aggregate within any 36-month period will be considered.
  - Considered if received at any time:
    - Cash assistance for income maintenance, including Temporary Assistance for Needy Families (TANF, known locally as CalWORKs) and Supplemental Security Income (SSI), or institutionalization for long-term care (countable under the previous rule as well).
  - Considered if received on or after February 24, 2020:
    - Medicaid (with exceptions including coverage for emergency services, children under 21 years old, and pregnant women including 60 days of post-partum services).
    - Supplemental Nutrition Assistance Program (SNAP, known locally as CalFresh).
    - Federal Public Housing, Section 8 Housing Choice Vouchers, and Section 8 Project-Based Rental Assistance.

Other Considerations for a Public Charge Designation?
- Income & Assets – income below 125% of federal poverty level (equal to $15,090 for a household of one; $32,750 for a household of four) is a negative weight.
- Age (below 18 and above 61 is a negative weight); Health (poor health without private insurance is a negative weight); Family Status; Education & Skills; and an Affidavit of Support.
  - All considered regardless of benefit receipt.