



County of San Diego

NICK MACCHIONE, FACHE
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY
SELF-SUFFICIENCY SERVICES
1255 IMPERIAL AVENUE, MAIL STOP W-414
SAN DIEGO, CA 92101-7404
(619) 338-2932 • FAX (619) 338-2972

RICK WANNE, MA, MFT
DIRECTOR, SELF-SUFFICIENCY SERVICES

April 8, 2021

TO: All Self-Sufficiency Services Staff

FROM: Assmaa Elayyat, Chief *A.E.*
Self-Sufficiency Services

Subject: Public Charge Rule Update

Self-Sufficiency Program Memo 21-01

The purpose of this memo is to provide staff with information regarding recent updates impacting the federal Public Charge rule. Public charge is defined as a non-citizen who is likely to become “primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care (LTC) at government expense.”

Immigrants seeking admission to the United States (U.S), or those already residing in the U.S. seeking a change in immigration status could potentially be denied entry to the U.S. or Lawful Permanent Residence (LPR) status if they are determined a public charge.

The United States Citizen and Immigration Services does not consider receipt of Medi-Cal (except for LTC), public housing, or CalFresh to be a public charge. Cash assistance for income maintenance, however, can be considered in the public charge determination. The following programs meet the criteria for cash assistance for income maintenance: CalWORKs (cash grant portion), Supplemental Security Income (SSI), Cash Assistance Program for Immigrants (CAPI), and General Relief (GR). Receipt of public assistance alone does not necessarily deem an individual a public charge as the overall circumstances are considered in this determination.

Certain groups of individuals are exempt from the public charge determination or test, including Asylees, Temporary Protected Status Applicants, Special Immigrant Juveniles, asylum applicants, and certain victims of crime, including domestic violence and trafficking among others. Public charge also does not apply to most LPRs unless they leave the U.S. for over 180 days and seek to reenter.

If customers have questions about public charge, staff may refer them to the attached informational flyer which contains resources to discuss immigration matters with qualified legal professionals.

Staff should not give legal advice to customers about the effect receiving public benefits may have on their immigration status.

All staff should advise customers to apply for benefits, regardless of their immigration status.

Please see the attached Public Charge Resource List for more information.



CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY PUBLIC CHARGE GUIDE

March 2021

You should keep all appointments, including any doctor's appointments. You should also continue to seek and access public services to ensure you and your family can thrive and be healthy.

FEDERAL GOVERNMENT WILL NOT ENFORCE 2019 PUBLIC CHARGE FINAL RULE.

The U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) will no longer consider participation in Medi-Cal (except for long-term care), public housing, or CalFresh as part of the public charge determination.

Additionally, a reminder that medical testing, treatment and preventative services for COVID-19, including vaccines, are not considered for public charge purposes.

EVERY FAMILY IS DIFFERENT, REACH OUT FOR QUALIFIED LEGAL ADVICE.

It is important for concerned individuals and families to know their rights and empower themselves with accurate information to understand whether public charge affects them or not. If you have questions, an immigration or public benefits attorney can give you advice based on the specific facts of your individual situation. A list of nonprofit organizations qualified to provide assistance to individuals is available on the [California Department of Social Services website](#).

WHO IS SUBJECT TO PUBLIC CHARGE?

Only some immigrants are subject to public charge. Public charge is applied to people seeking admission (Visa) into the United States or applying to adjust their status (green card) with some exceptions. It does not apply to Refugees; Asylees; Temporary Protected Status applicants; Special Immigrant Juveniles; asylum applicants; and certain victims of crime, including domestic violence and trafficking, among others. It also does not apply to most lawful permanent residents, unless they leave the United States for over 180 days and seek to reenter.

WHAT IS PUBLIC CHARGE?

As a result of federal policy change, the [1999 interim field guidance](#) on the public charge inadmissibility provision (i.e., the policy that was in place before the 2019 Public Charge Final Rule) will apply now.

Public charge is defined as a non-citizen who is likely to become "primarily dependent on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense." For additional details visit, [U.S. Citizenship and Immigration Services website](#).

Need More
INFORMATION?



<https://immigrantguide.ca.gov>