



Proposed Changes to Public Charge Rule and Participation in Public Benefits

October 2018

FREQUENTLY ASKED QUESTIONS

RECENT NEWS

- **What is Public Charge?**

Public charge is a term used in immigration law to describe someone who is likely to become dependent on the government for subsistence. It is a test used by U.S. Citizenship and Immigration Services (USCIS) as one factor in determining who will be granted entry into the United States, who can renew certain temporary visas and who can obtain Lawful Permanent Residency (LPR) – also known as a green card. People who are determined unlikely to be able to support themselves are considered to be possible “public charges.”

Public charge does not apply to some categories of immigrants, such as refugees, persons granted asylum and certified trafficking victims, and there is no public charge test when a legal permanent resident applies for naturalized citizenship.

- **What is new with Public Charge?**

On October 10, 2018, the Department of Homeland Security (DHS) published proposed changes to the public charge rules in the Federal Register. The proposed rule changes expand the types of benefits that may be considered for “public charge,” and could be used as grounds to reject an immigrant’s application to keep his/her legal status to stay in the U.S. or to become a lawful permanent resident (obtain a green card).

- **What are the proposed changes?**

Programs such as non-emergency Medi-Cal, CalFresh and housing assistance such as Section 8 vouchers could be considered in weighing a person’s application for LPR; these are not currently considered. Public education (including Head Start), national school lunch programs, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and Veterans’ benefits would NOT be considered for public charge.

PROCESS

- **What is the process for the proposed changes?**

These proposed changes are NOT yet final. With publication of the proposed changes to the public charge rules, there is a 60-day comment period, ending on December 10, 2018, during which the public can submit comments and questions. After that, DHS will review the comments and possibly make revisions before issuing a final rule. That process is expected to stretch into 2019.

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CONTRA COSTA COUNTY

EMPLOYMENT & HUMAN SERVICES

ELIGIBILITY

- **Are there any immediate impacts to my eligibility for the benefits that Contra Costa County Employment and Human Services Department (EHSD) offers?**

No. If you are eligible to receive CalFresh, CalWORKs, General Assistance, In-Home Supportive Services, Medi-Cal, child care subsidies and other help, you are still eligible to receive those benefits. We continue to process all applications and renewals, and provide benefits to you just as we did before.

PRIVACY

- **I am concerned about the privacy of my information. How does EHSD use the information I provide about me or my family members?**

The information you provide is for our use so we may determine eligibility. As has always been required by law, we verify citizenship or immigration status for almost all who apply for Medi-Cal for the sole purpose of administering the program. We do not share any information about household members who are not applying for benefits.

- **What happens to my information if I discontinue benefits?**

Your information remains in our confidential systems, even if you discontinue benefits. However, discontinuing your benefits means you and your family members will lose services and assistance.

LEGAL GUIDANCE

- **Will participating in public benefit programs impact my immigration status or citizenship?**

While we are not able to offer legal guidance specific to you and your family, we do encourage you to seek advice from a reputable nonprofit immigration service provider or attorney. Below is a list of organizations that may be able to help you.

GENERAL INFORMATION & RESOURCES

Dial 2-1-1 or visit www.211.org – Accessible 24/7. Assistance available in all languages. Confidential.

LEGAL RESOURCES*

| RESOURCE | *WHAT'S OFFERED | WEB ADDRESS | CONTACT INFORMATION |
|---------------------------------------|--|--|---|
| Asian Pacific Islander Legal Outreach | <ul style="list-style-type: none"> • Asylum Applications • Naturalization/ Citizenship • T&U Visa Petitions | www.apilegaloutreach.org | Oakland (510) 251-2846 |
| Bay Area Legal Aid | <ul style="list-style-type: none"> • VAWA Self-Petitions • U Visa Petitions | www.baylegal.org | Oakland (510) 663-4755 Richmond (510) 233-9954 (800) 551-5554 |
| Catholic Charities | <ul style="list-style-type: none"> • Immigration Legal Services | www.cceb.org | Concord (925) 825-3099 Richmond (510) 234-5110 Oakland (510) 768-3100 |
| Immigrant Legal Resource Center | <ul style="list-style-type: none"> • Legal Assistance • Policy and Advocacy | www.ilrc.org | San Francisco (415) 255-9499 |
| Immigration Advocates | <ul style="list-style-type: none"> • Legal Assistance | www.immigrationadvocates.org/nonprofit/legaldirectory/ | Listing of local resources. |
| LawHelpCA.org | <ul style="list-style-type: none"> • Immigration Resources | www.lawhelpca.org/issues/immigration | Listing of local resources. |
| Stand Together Contra Costa | <ul style="list-style-type: none"> • Immigration Legal Services • Rapid Response Network | www.standtogethercontracosta.org | (925) 900-5151 |

*Partial listing. Inclusion of an organization does not imply endorsement of its services, nor does exclusion reflect on any agency's contribution to the community.

