

Contra Costa County is committed to being a welcoming county for refugees, immigrants, and for all members of our community.

IMMIGRATION & PUBLIC CHARGE UPDATE

April 2021

PUBLIC CHARGE RULE CHANGES END

On **March 9, 2021**, the Supreme Court of the United States agreed to dismiss pending cases related to the expansion of the “public charge” rule, at the request of the Biden Administration ([see Department of Homeland Security \(DHS\) Secretary Statement on 2019 Public Charge Rule](#)). As a result, the Department of Homeland Security’s (DHS) public charge rule changes made by the previous administration were permanently blocked, and DHS is no longer applying those rule changes. This action restores the United States’ longstanding public charge policy.

On **March 19, 2021**, DHS also withdrew a proposed rule change affecting the affidavit of support in order to reduce burdens on American families wishing to sponsor individuals immigrating to the U.S. The rule change would have imposed more stringent requirements on the sponsor (usually a family member) for accepting financial responsibility on behalf of an immigrant.

What is Public Charge?

Public charge is a term to describe someone who is likely to become dependent on the government for subsistence. This USCIS test is one factor in determining who is granted entry into the U.S., can renew certain temporary visas and can obtain Lawful Permanent Residency (LPR) – also known as a green card. The definition and enforcement of public charge has returned to the most recent federal interpretation, field guidance from more than 20 years ago.

What Were the Concerns about Last Year’s Rule Change?

The previous administration’s public charge rule change affected publicly funded programs that help families meet their children’s basic needs, and provide a buffer against the negative effects of adversity. The rule may have discouraged many immigrant families from accessing benefits for which they are eligible, in some cases possibly leading families to choose between getting food, health care and services they need, and obtaining the citizenship they are legally on track to achieve. The 2019 rule change overturned a century of existing policy and practice by expanding the types of benefits considered for public charge, including non-cash programs, for the first time.

What Does This Mean for You and Your Family WHO RECEIVE CRITICAL SUPPORTS?

If you and your family receive critical assistance such as non-emergency **Medi-Cal, CalFresh, Section 8 vouchers or other publicly subsidized housing assistance**, the U.S. Citizenship & Immigration Service (USCIS) does **not** consider your receipt of these benefits as part of the “public charge” inadmissibility determination. In addition, medical treatment or preventive services for COVID-19, including vaccines, are not considered for public charge purposes ([see DHS Statement on Litigation Related to the Public Charge Ground of Inadmissibility](#)).

EHSD is Here to SERVE YOU

We continue to deliver quality services and access to resources that support, protect and empower individuals and families to achieve self-sufficiency, as we have throughout the public charge rule change. We encourage community members to apply for and receive benefits for which they are eligible. For the latest information on immigration and public charge, including any legal developments, please **text (925) 510-3054** or visit www.ehsd.org/charge.

Additional Resources:

[EHSD.org Immigration Page](#)

[Protecting Immigrant Families - The ABCs of Public Charge](#)



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