

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.

Immigration Legal Services Referral List

**Asociación de Salvadoreños
de Los Ángeles (ASOSAL)**

Website: www.asosal.org

Phone: (213) 483-1244
660 South Bonnie Brae Street
Los Angeles, CA 90057

**Catholic Charities of Los Angeles –
Immigration and Refugee Services**

Website: www.catholiccharitiesla.org

Phone: (213) 251-3411
1531 James M. Wood Blvd.
Los Angeles, CA 90015

**Central American Resource Center
(CARECEN) – Van Nuys Location**

Website: www.carecen-la.org

Phone: (818) 616-6019
16501 Sherman Way #220
Van Nuys, CA 91406

**Central American Resource Center
(CARECEN) – Los Angeles Location**

Website: www.carecen-la.org

Phone: (213) 385-7800, Ext. 136
2845 West 7th Street
Los Angeles, CA 90005

**Coalition for Humane Immigrant Rights
of Los Angeles (CHIRLA)**

Website: www.chirla.org

Phone: (213) 353-1333
Toll Free: 1 (888) 6-CHIRLA
2533 West 3rd Street, Suite 101
Los Angeles, CA 90057

**Coalition to Abolish Slavery and
Trafficking (CAST)**

Website: www.castla.org

Phone: (213) 365-1906
Toll Free: 1 (888) KEY-2-FREE
3751 West 6th Street, #70308
Los Angeles, CA 90070

El Rescate

Website: www.elrescate.org

Phone: (213) 387-3284
1501 West 8th Street
Los Angeles, CA 90017

Esperanza Immigrant Rights Project

Website: www.esperanza-la.org

Phone: (213) 251-3505
1530 James M. Wood Blvd.
Los Angeles, CA 90015

Immigrant Defenders Law Center

Website: www.immdef.org

Phone: (213) 634-0999
634 Spring Street, 10th Floor
Los Angeles, CA 90014

**Immigration Center for Women
and Children (ICWC)**

Website: www.icwclaw.org

Phone: (213) 614-1165
634 Spring Street, Suite 727
Los Angeles, CA 90014

**Interfaith Refugee & Immigration Service (IRIS)
Episcopal Diocese of Los Angeles**

Website: www.iris-la.org

Phone: English – (323) 667-0489
Spanish – (213) 819-1890
3621 Brunswick Avenue
Los Angeles, CA 90039

**International Institute of
Los Angeles**

Website: www.iilosangeles.org

Phone: (323) 224-3800
(323) 264-6217
3845 Selig Place
Los Angeles, CA 90031

**Legal Aid Foundation of
Los Angeles (LAFLA)**

Website: www.lafla.org

Phone: (323) 801-7989
(800) 399-4529
1550 West 8th Street
Los Angeles, CA 90017

Neighborhood Legal Services (NLSLA)

Website: www.nsls.org

Phone: (800) 433-6251
13327 Van Nuys Blvd.
Pacoima, CA 91331

Public Counsel

Website: www.publiccounsel.org

Phone: (213) 385-2977, Ext. 600
610 South Ardmore Avenue
Los Angeles, CA 90005

**St. Margaret's Center
(Catholic Charities of Los Angeles-South Bay)**

Website: www.catholiccharitiesla.org

Phone: (310) 672-2208
10217 Inglewood Avenue
Lennox, CA 90304

TOME LA DECISIÓN CORRECTA PARA USTED Y SU FAMILIA



La carga pública no afecta a todos los inmigrantes.

Cada familia es diferente, y es posible que los programas que ayudan a su familia no formen parte de los nuevos cambios en la política. **Muchas personas y organizaciones pueden ayudarlo.** Un abogado especializado en inmigración que esté familiarizado con esta cuestión puede asesorarlo según su situación específica. Las organizaciones sin fines de lucro locales también pueden brindarle ayuda y asistencia legal.

¿QUÉ ES LA CARGA PÚBLICA?

Las personas que solicitan una tarjeta verde (residencia permanente legal) o una visa para ingresar a los EE. UU. deben pasar una prueba de carga pública, que evalúa la probabilidad de que usen ciertos servicios del gobierno en el futuro. Para tomar esta determinación, los funcionarios de inmigración analizan todas las circunstancias de la persona, como la edad, los ingresos, la salud, la educación o las habilidades (incluidas las habilidades en el idioma inglés) y la declaración jurada de apoyo económico o contrato del patrocinador. También pueden considerar si la persona ha usado ciertos programas públicos.

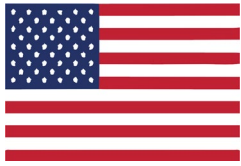
La nueva prueba de carga pública considera lo siguiente:

- Programa de Asistencia Nutricional Suplementaria (SNAP, EBT o cupones de alimentos)
- Asistencia Federal de Viviendas Públicas y Sección 8
- Medicaid (salvo los servicios de emergencia, niños menores de 21 años, mujeres embarazadas y madres de recién nacidos)
- Programas de asistencia en efectivo (como SSI, TANF, Asistencia General)

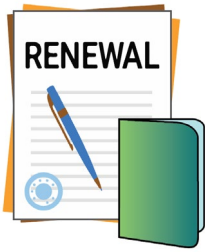
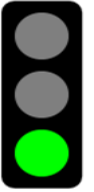
La mayoría de las personas sujetas a la nueva regla no son elegibles para los beneficios mencionados anteriormente. Los servicios que no se mencionan arriba no se tendrán en cuenta en la prueba de carga pública. Estos incluyen el WIC, el CHIP, los almuerzos escolares, los bancos de alimentos, los refugios, los programas de salud estatales o locales, y muchos más.

CARGA PÚBLICA: ¿APLICA EN MI CASO?

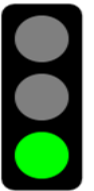
FECHA DE ACTUALIZACIÓN: FEBRERO DE 2020



¿Usted y los integrantes de su familia son ciudadanos estadounidenses? La carga pública NO se aplica a su caso. Debe continuar con la inscripción en programas para los que cumpla los requisitos.



¿Usted y los integrantes de su familia ya tienen tarjetas verdes? La carga pública NO se aplica cuando renueva la tarjeta verde o se postula para convertirse en ciudadano estadounidense. Sin embargo, si tiene previsto no estar en el país durante más de seis meses, le recomendamos que consulte a un abogado especialista en inmigración.



¿Solicita o ya tiene alguna de las siguientes condiciones de inmigración? *Protección provisoria (TPS), visa tipo U o T, refugiado o asilo político, inmigrante especial menor de edad?* La carga pública NO se aplica a las personas que solicitan a algunos estatuses de inmigración que se enumeran en este documento. Si ya tiene o está en proceso de solicitar unos de estos estatuses de inmigración, puede continuar en cualquier programa del gobierno se cumple los requisitos.



¿Tienes planes de solicitar una tarjeta verde por medio de un pariente? Es posible que la prueba de carga pública se aplique a su caso. Solo se considerará, en la prueba de carga pública, el uso de los programas públicos mencionados en la primera página. También se considerarán otros aspectos, como ingresos, edad, salud, educación, habilidades, situación familiar y la declaración jurada de apoyo económico del patrocinador. Deberías hablar con un experto sobre su caso antes de tomar una decisión. Para opciones gratuitas o de bajos costos, visite:

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.



MAKE THE RIGHT CHOICE FOR YOU AND YOUR FAMILY



Public charge does not apply to all immigrants. Every family is different, and the programs that help your family might not be part of new changes to the policy. **There are lots of people and organizations that can help you.** An immigration attorney familiar with this issue can give you advice based on your specific situation. Local non-profits may also be able to provide help and legal advice.

WHAT IS PUBLIC CHARGE?

Some people who apply for a green card (lawful permanent residence) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to use certain government services in the future. In making this determination, immigration officials review all of a person’s circumstances, including their age, income, health, education or skills (including English language skills), and their sponsor’s affidavit of support or contract. They can also consider whether a person has used certain public programs.

DHS’ new public charge test considers:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (except for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI, TANF, General Assistance)

Most people who are subject to the new rule are not eligible for the above listed benefits. Services that are not listed above will not be counted in the public charge test. This includes WIC, CHIP, school lunches, food banks, shelters, state or local health care programs, and many more.

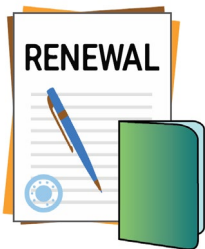
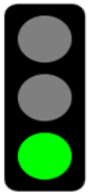
PUBLIC CHARGE: DOES THIS APPLY TO ME?

UPDATED FEBRUARY 2020



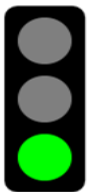
Are you and your family members U.S. citizens?

Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.



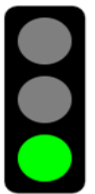
Do you and your family members already have green cards?

Public charge and any changes under new rules rule WILL NOT affect you when you renew your green card or apply to become a U.S. Citizen. However, if you plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.



Are you applying for or have one of the following statuses? TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status?

The public charge test does NOT apply to all immigrants, including the categories listed here. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.



Do you plan to apply for a family-based green card?

Only the use of the public programs listed on first page will be considered in the public charge test. Your income, age, health, education, skills, family situation, and sponsor's affidavit of support will also be considered. You should talk with an expert for advice on your case before making any decisions. For free or low-cost options in your area, go to: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.

