

What is the Public Charge?



The Public Charge is an evaluation (“test”) of an immigrant to determine if they will be dependent on the government for support.

Background

The Public Charge evaluation has been in continuous use since 1999 and is part of the United States (U.S.) Department of Homeland Security (DHS) Field Guidance used when reviewing citizenship and green card applications. The Public Charge test applies to most, but not all, who seek lawful immigration status in the U.S.

In 2019, the Trump Administration added new requirements, “The 2019 Final Rule,” to the Public Charge evaluation. In 2021, those additional requirements were mutually nullified by the courts and the Biden Administration.

DHS U.S. Citizenship and Immigration Services stopped applying the 2019 Final Rule to all pending applications and petitions on March 9, 2021.

So What Does This Change Mean for Me?

You can get the care and support you need without fear!

Many services and public benefits are available to you regardless of your immigration status and are no longer subject to Public Charge consideration.



Understanding the Public Charge Evaluation

A 2021 Guide for ADAP & PrEP-AP Clients

Office of AIDS
Center for Infectious Diseases
California Department of Public Health
MS 7700 P.O. Box 997426
Sacramento, CA 95899-7426
OfficeofAIDS@cdph.ca.gov



Know Your Rights!



Key Considerations for ADAP or PrEP-AP Clients

- You might not be evaluated under the Public Charge evaluation depending on your immigration status.
- Even if you are evaluated for Public Charge, ADAP and Ryan White programs are not considered for Public Charge purposes and will continue to be available to you regardless of your immigration status.
- Being HIV+ doesn't mean that you will be denied admission to the U.S.
- You can continue to use subsidies to purchase and maintain your Affordable Care Act insurance.

This information is provided as a general summary. You should consult an attorney for questions regarding your specific case.

You Continue to Have Access to Public Benefits:

- Non-cash benefits and special-purpose cash benefits
- Subsidies for Affordable Care Act health insurance (aka Obamacare)
- Immunizations, including COVID-19 vaccines
- Testing and treatment of symptoms of communicable diseases
- Short-term rehabilitation services
- Prenatal care
- Medi-Cal, including Emergency Assistance, and the Children's Health Insurance Program
- Non-cash benefits received through CalWorks such as subsidized childcare or transit subsidies
- Earned cash payments, such as Title II Social Security benefits, government pensions, and veterans' benefits
- Unemployment compensation
- Section 8 Housing Assistance under the Housing Choice Voucher Program
- Subsidized public housing
- Supplemental Nutrition Assistance Program (CalFresh)

The benefits and programs listed above are not considered for Public Charge purposes.

Humans Are Not Illegal



Resources:

National Immigration Law Center

www.nilc.org/issues/economic-support/pubcharge

Immigrant Legal Resource Center

www.ilrc.org/public-charge

Public Charge Resources

www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources

Covered California

www.coveredca.com/individuals-and-families/getting-covered/immigrants/

The California Immigrant Welcome Guide

immigrantguide.ca.gov/

Full Text of the Current Federal Public Charge Guidance Used in Determinations

www.govinfo.gov/content/pkg/FR-1999-05-26/pdf/99-13202.pdf