

Public Charge Frequently Asked Questions

What are the new proposed programs that will be considered for public charge?

Non-emergency Medi-Cal; Supplemental Nutrition Assistance Program (SNAP) – CalFresh; Medicare Part D Low Income Subsidy (for prescription drugs); Housing assistance, such as public housing or Section 8 housing vouchers and rental assistance. In addition to cash assistance (SSI and TANF) and long-term care that are currently are considered for public charge.

I'm a naturalized U.S. Citizen. Can I lose my citizenship if I use programs like Medi-Cal or CalFresh (food stamps)?

No. U.S. citizens cannot lose their citizenship based on their lawful use of public benefits. Once you become a U.S. citizen, the government may not deport you and must let you return to the U.S. after you travel outside the country

When will the new law take effect?

We do not know when the new law will take effect for applicants who will have their interview in the United States. There is a court injunction now so that the effective date has been delayed until the courts decide otherwise. For applicants who will have their interview at the U.S. consulate abroad, there have already been some changes and more will be coming as soon as they have the new form ready. If you are planning to attend an interview at a U.S. consulate abroad, you should have a consultation with an immigration attorney or accredited representative.

Should I get off of Medi-Cal, CalFresh and other public programs now?

No. The law will look at the use of the above public programs after it is enacted. Currently, there is no law change for cases where the interview will take place within the U.S., so there is no advantage in dropping out of these programs until the law is final. If your interview will take place at a consulate abroad, you should consult with an attorney or accredited representative.

If my child receives health or nutrition assistance, will that make it more difficult for me to get a green card in the U.S.?

No. Benefits your children receive will not count against you if your green card application is processed in the U.S. Benefits that you get for your children or other family members are different from benefits that you may receive yourself. Including your name on your child's application does NOT mean that you have applied for benefits for yourself.

If I apply for benefits for my child, will I have to give information about myself?

Yes, some. The application requires income information for everyone in your family, even if they are not applying for benefits for themselves. However, you will not have to provide a social security number or information about your immigration status if you are only applying for benefits for your children. You can leave these sections blank.

Will I need to repay the government for benefits used by my U.S. Citizen child?

No. If your U.S. Citizen child is eligible for and receiving benefits now, your family will not be responsible for repaying those benefits in the future.

Will information that I put on an application for my child be used for immigration enforcement?

No, the information on an application for your child should not be provided to USCIS or ICE, but some consular offices abroad are asking about benefits received by family members so if you are planning to attend an interview at a U.S. consulate abroad, you should have a consultation with an immigration attorney or accredited representative.

What if I am undocumented?

If you are undocumented and applying for your child or another family member, you should not provide any information about your immigration status. Instead you may say or write, "I am not applying for this program for myself."

I am undocumented. If I apply for Medi-Cal, Food Stamps or other programs for my children, can they report me to immigration enforcement?

No. The information you share when you apply for public programs cannot be used for immigration enforcement purposes. The proposed law change does not change this.

If you apply for your child, you will only be required to provide information about your child's immigration status. If you are undocumented and applying on behalf of a child, you should not provide any information about your own immigration status. You may say, "I am not applying for health insurance (or Food Stamps) for myself."

If my child receives health or nutrition assistance, will that make it more difficult for our family members who need to go to their green card interview outside of the U.S.?

Different rules apply to people who have their immigration applications processed outside of the U.S. Immigration officials at consular offices in other countries are allowed to ask questions about the use of benefits by family members. They can consider this information – along with other facts about your family's situation – when deciding whether to grant permission to enter the U.S. or grant a green card. Make sure that you talk to an immigration attorney or accredited representative before leaving the U.S. to attend an interview at a consulate abroad.

I am a lawful permanent resident (LPR) (I have a green card), can I still apply for citizenship after the new public charge law?

Yes. The public charge ground of inadmissibility does not apply to citizenship applications.

I am a refugee. Will the new law apply to me?

No. The law about public charge does not apply to someone who came to the US as a refugee.

Does this draft law impact everyone?

No. If you are a refugee, asylee, survivor of trafficking, domestic violence or other serious crimes (so if you have a T Visa, U Visa, or VAWA), you are not subject to the public charge ground of inadmissibility.

Is there any chance that I can be deported for using public programs now?

Yes but it is very rare – only if (1) you are using cash assistance or long-term care within the first five years after immigration, (2) you or your sponsor were asked to pay for services used and (3) you or your sponsor refused to pay.

Is there any chance that I can be deported for using public programs in the future?

There is no change to the deportation standards in the current proposal other than the expansion of programs to include Medi-Cal, SNAP, Medicare Part D subsidy and Housing Assistance programs in addition to cash assistance and long-term care. However, US Department of Justice may make changes to the deportation standards in the future. We will update this answer when it changes.

My lawyer is telling me that I should not participate in any public programs like Medi-Cal or CalFresh. What should I do?

Ask your lawyer again now that the public charge rule has been enjoined. It may depend on where you will eventually have your interview. The proposed law says that changes will not apply retroactively. Current or past use of assistance programs, before the law is finalized, will not be considered for immigration purposes.

I'm a lawful permanent resident, do I have to worry about public charge when I'm coming back from traveling outside the US?

Green card holders are advised NOT to travel outside of the US for more than 180 days in a single trip. If you have been outside the US for more than 180 days, you can be treated as a new entrant and may be considered as a public charge after the new law is implemented. As green card holders already do in order to not interrupt your time towards citizenship eligibility, you should limit your travel abroad to less than 180 days.

Can I sponsor my family members if I use public programs?

Maybe not. The law for sponsorship has not changed. You can still petition to bring your family members to the US. However, if you are using public programs, your "affidavit of support" to show that you can financially support them might not be considered sufficient. You may have to find someone else to also file an affidavit of support.

Q: I know that the DHS public charge policy is currently blocked by the courts, but could an individual's use of Medi-Cal, CalFresh/SNAP or housing benefits after October 15 hurt

him/her if applying for a green card in the U.S. if the case is appealed and the rule goes into effect?

A: [DHS clarified](#) that the effective date of the final rule is postponed until there is a final resolution in the cases. The federal district court in New York also made it clear that the rule will not take effect until the injunctions are overturned. Under policy guidance from 1999 which remains in effect today for immigrants with applications processed inside the U.S., the use of health, nutrition and housing programs can **NOT** be considered in the public charge determination.

Q: What is the current public charge policy for immigrants who have applications processed outside the U.S?

A: For now, the public charge policy in the Foreign Affairs manual [updated in January 2018](#) remains applicable. This policy allows the consulates to look carefully at a joint sponsor's affidavit of support to make sure they believe the joint sponsor will really support the person. The interim final rule from the State Department will not take effect until 1) new forms are published and 2) the Foreign Affairs Manual is updated. We do not know how long this will take and will keep you up to date as we learn more.