

COMMUNITY BENEFITS BULLETIN**Public Charge Update**

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Systems Support

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Background:

In August of 2019, the Federal Government released a new public charge policy that redefines “public charge” as an immigrant who receives one or more public benefits for more than 12 months over a 36-month period.

- Public benefits historically included in the definition were limited to cash assistance, including CalWORKs (known federally as TANF), Supplemental Security Income (SSI) and General Assistance/General Relief.
- The expanded list of public benefits to be considered includes:
 - CalFresh (known federally as SNAP)
 - Non-emergency Medi-Cal or Medicaid (Adults >21 Only)
 - In-Home Supportive Services (Adults >21 Only)
 - Housing Assistance, which includes Section 8 Voucher Rental Assistance, Section 8 Project-Based Rental Assistance, and Public Housing

The rule change was set to go into effect on October 15, 2019; however, multiple injunctions delayed the rule’s implementation. ***The final nationwide injunction was lifted on January 27, 2020 by the U.S. Supreme Court, and the federal government subsequently issued an updated effective date of February 24, 2020.***

- According to the newly issued federal guidance (post-SCOTUS ruling), there will not be a retroactive look back to benefits received prior to February 24, 2020.
- Despite the lifting of the nationwide injunction, numerous lawsuits continue to work through the courts, and may result in court rulings to invalidate some or all of the changes that go into effect on February 24, 2020. The likely outcome of these cases is unknown at this time.

This law only applies to individuals seeking admission into the United States or applying for adjustment of status. This is not a provision of the law that applies to all immigrants.

In addition, only benefits received directly by the individual (who is seeking admission or an adjustment of status) for their own benefit, where they are listed as a beneficiary of the public benefit, will be considered.

It is important to note who is **NOT** subject to the “public charge” rule:

- Lawful permanent residents (green card holders) who apply for citizenship
- Refugees and Asylees
- Special Immigrant Juveniles
- Trafficking victims
- Victims of qualifying criminal activity
- Certain domestic violence victims
- Immigrants with no legal status who are not eligible to status adjustment (undocumented population)

Although a majority of immigrants aren’t subject to this rule, we know that historically rules like this have major chilling effects on immigrants using public services because of the confusion, misinformation, and general fear caused by the new rules.

There is no change in the way we determine benefits.

We cannot offer customers advice on what they should or should not do around the difficult choice of whether or not to access benefits. However, customers should be referred to qualified legal resources as listed below and in the [Public Charge ENG Flyer](#) and the [Public Charge SP Flyer](#):

- California Rural Legal Assistance at (831) 757-5221
- Catholic Charities at (831) 422-0602
- Center for Community Advocacy at (831) 753-2324
- The Central Coast Citizenship Project at (831) 422-4626
- The Watsonville Law Center at (831) 722-2845

Other public charge resource links:

[Immigrant Legal Resource Center Education and Outreach Toolkit](#)

[CDSS List of Public Charge Legal Service Providers](#)

[USCIS Public Charge Information](#)