**Asian Health Services**

**Public Charge FAQ for Worried Patients**

If a patient comes in and is worried and have questions that are similar to ones below, please use these answers. Please let me know at [dsuh@ahschc.org](mailto:dsuh@ahschc.org) if patients ask questions not on this list so we can update this. Thanks.

**1.** **Should I get off of Medi-Cal and other programs now?**

No. The law will look at the use of public programs after it is enacted. Currently, there is no law change, so there is no advantage in dropping out of these programs.

**2.** **I am a lawful permanent resident, can I still apply for citizenship after the new public charge law?**

Yes. There is no question about using public programs when applying for citizenship.

**3.** **I am a lawful permanent resident, do I have to worry about public charge when I’m coming back from traveling outside the US?**

Currently, LPRs are advised NOT to travel outside of the US for more than six months. If you have been outside the US for more than six months, you can be treated as a new entrant and may be asked questions about your use of government programs if this new public charge law is implemented.

AS LPRs do now, limit your travel to less than six months.

**4.** **Is there any chance that I can be deported for using public programs?**

Yes but it is very rare - only if (1) you are using cash assistance or long-term care within first 5 years after immigration, (2) you or your sponsor were asked to pay for services used and (3) you or your sponsor refused to pay.

**5.** **Does this proposed law impact everyone?**

No. If you are a refugee, asylee, survivor of trafficking, domestic violence or other serious crimes, you are not subject to public charge.

**6.** **Can I sponsor my family members, if I use public programs?**

You can still apply for green cards for your family members but if you have used government programs, you may not be able to file an “affidavit of support” to show that you can financially support them. You may have to find someone else to file the affidavit of support.

**7.** **When will the proposed law take effect?**

We will have 60 days to send our comments opposing the proposed change in the law. It will then take several months before the change in the law is finalized.

**Expected Proposed Change in Law Affecting Immigrant Families**

There is an attempt to change immigration law that would directly impact those seeking to become Lawful Permanent Residents (LPRs) or "green card" holders. The proposed change is only a draft, and we do not know when the change will be finalized OR what the final law will say.

* According to the draft we have seen, services received **before** the change is final will not be considered.
* The proposed change DOES NOT apply to: refugees, asylees, survivors of domestic violence, victims of trafficking or other serious crimes, special immigrant juveniles, temporary protected status (TPS), and certain other immigrants seeking green cards.
* This proposed change in law does not apply to LPRs seeking to obtain U.S. citizenship.

**The table provides an overview of the proposed changes.**

|  |  |
| --- | --- |
| **NOW: Public Charge**: | **Draft Proposed Change: Public Charge**: |
| Currently, only two types of benefits are considered under public charge determination:  • cash assistance (TANF, SSI, GA)  • institutionalization for long-term care  at government expense | Expands the types of government-funded programs that the federal government could consider in public charge determinations AND newly allows the federal government to consider use of such programs by US-born children and other family members in making public charge decisions:  • Federal/State/Local Cash assistance programs including Temporary Assistance for Needy Families (TANF, CalWorks), Supplemental Security Income, (SSI) General Assistance (GA)  • Institutionalization for long-term care at government expense  • Medicaid (Medi-Cal) and Childrens Health Insurance Program (CHIP)  • ACA/Obamacare (federal subsidies/ tax credits)  • Food Stamps (CalFresh/SNAP)  • Women, Infants and Children program (WIC)  • Housing assistance  • Low Income Home Energy Assistance Program  • Head Start |
| NOT INCLUDED:  • Social Security benefits: survivors, disability insurance or veterans benefits  • Worker’s compensation  • State disability insurance  • Medicare  • Emergency or disaster relief  • Public health assistance for immunizations  • Attending public school  • Free or reduced-price school lunches  • Services or benefits available to the community as a whole and not to a specific individual |