



HOW DOES THE NEW “PUBLIC CHARGE” RULE IMPACT CHILDREN & YOUTH?

After a recent ruling by the U.S. Supreme Court, the Department of Homeland Security (DHS) can now implement their new rule relating to “public charge.” **The rule went into effect on February 24, 2020.**

Many children and youth will not be impacted by the new public charge rule, as detailed below. This resource answers common questions about what public charge is, who it applies to, and whether it is triggered by certain public benefits available to children.

- **What is public charge?**

“Public charge” is a ground of inadmissibility. Grounds of inadmissibility are reasons that a person could be denied a green card, visa, or admission into the United States. It is not a test that applies to everyone seeking immigration status. If public charge does apply, then in deciding whether to grant someone a green card or a visa, an immigration officer must decide whether that person is likely to become dependent on certain government benefits in the future, which would make them a “public charge.”

- **Does the public charge rule apply to the forms of immigration status that children and youth most commonly seek – Special Immigrant Juvenile Status (SIJS), asylum, U visa, T visa, VAWA self-petition, and DACA?**

No! The public charge ground of inadmissibility does not apply to many forms of immigration relief, including SIJS, asylum, U visa, T visa, VAWA self-petition, and DACA.¹ Public charge laws also do not apply in the naturalization process, through which people with green cards apply to become U.S. citizens.

- **Who does public charge apply to then?**

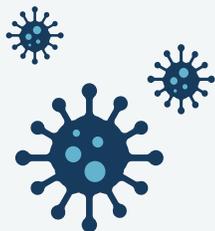
The public charge rule mainly impacts those seeking permanent resident status through family member petitions. For example, a youth who has a family member that could petition for them to get immigration status, such as a permanent resident parent, a U.S. citizen step-parent, or a U.S. citizen spouse, might be subject to the new public charge rule. Any youth who has the option to immigrate through a family member should check in with a legal practitioner for advice specific to their case.

- **Can youth use federal financial aid without fear of it impacting a public charge assessment?**

Yes! Financial aid is not taken into account in the public charge analysis, so students do not need to worry about use of financial aid impacting a public charge determination.

¹ Keep in mind that a public charge test might apply if a person later applies for a green card through a family member, even if this person previously had a status that did not have a public charge test. For example, a person with DACA will not have to worry about a public charge test if they apply to renew their DACA. However, if they later apply for a green card through a family member, they will have to go through a public charge test to get their green card.

- **Can youth use Medi-Cal in California without fear of it impacting a public charge assessment?**
Yes! Under the public charge rule, Medicaid/Medi-Cal received by applicants while under age 21 (or while pregnant) are not considered in the public charge determination. Medi-Cal is California's Medicaid program. In California, the state of California provides Medi-Cal to eligible DACA recipients. This Medi-Cal does not count against an applicant in a public charge test. Also in California, youth under the age of 26 are eligible for Medi-Cal without regard to immigration status. Any youth who qualifies for these Medi-Cal programs should continue to access Medi-Cal without fear of it impacting any future public charge determination.
- **Can youth use free school lunches without fear of it impacting a public charge assessment?** Yes!
Under the new public charge rule, many government-funded services are still safe to use and do not cause any immigration harm. School-funded programs like free and reduced lunch and Head Start remain safe to use.
- **Can youth use any public benefits they are eligible for, without fear of it impacting a parent's public charge assessment?**
Yes! Benefits received by family members are not considered in the public charge determination, so children and youth should continue to access any benefits they need without fear of it impacting a parent's immigration process.



Can youth access any COVID-19 related testing and treatment they need, without fear of it impacting a public charge assessment?

Yes! U.S. Citizenship & Immigration Services has stated that it will not consider testing, treatment, or preventative care related to COVID-19 as part of a public charge analysis, even if such treatment is provided or paid for by one or more public benefits (e.g. federally funded Medicaid).

For more detailed information about the new public charge rule, visit <https://www.ilrc.org/public-charge>.