

— All are welcome in the County of Alameda —
Immigration: Understanding “Public Charge”



Immigration & Public Benefits



CalFresh - Nutritional Assistance

Residency: 5 Years Qualified
Work: 40 Qualifying Quarters

Unless You Are:

Exempt from Residency
& Work Requirements

- LPR CE <18 >65 B D R A D
- P U VET HLT CMAI AMA T SIV HC

California Food Assistance Program (CFAP)

Residency: Less Than 5 Years Qualified

- LPR CE P U



Medi-Cal - Healthcare Access: Full Scope

- LPR R A D DACA DED P PIP
- T TEF U UEF EA SIV
- PREC <18 HC VET



Refugee Cash Assistance (RCA)

- R A HC SIV
- T TEF U VAMA



CalWORKs - Work & Economic Assistance

Residency: 5 Years Qualified

Exempt from Residency Requirement

- LPR CE R A D T U
- Residency: 1 Year Qualified
- P LPR40 VET SIV HC AMA



General Assistance

- LPR CE P D R
- T U DV HN SIV

Immigration & Public Benefits

- A A Asylee Admitted Under INA Section 208
- AMA Amerasian
- B D Blind or Disabled
- CE Conditional Entrant Under INA Section 203(a)(7)
- CMAI Cross-Border American Indian from Canada or Mexico
- D D Deportation Withheld Under INA Section 243(h), 241(b)(3)
- DACA Deferred Action for Childhood Arrivals
- DED Granted Deferred Enforcement Departure (DED)
- DV Domestic Violence Under Violence Against Women Act (VAWA)
- EA Registry Applicant or Order of Supervision with Employment Authorization
- GDA Granted Deferred Action
- HC HC Haitian or Cuban Entrant Under INA Section 501(e)
- HN Haitian National with USCIS Form 1-945
- HLT Hmong/Laotian Tribe Who Aided During Vietnam Era
- LPR Lawful Permanent Resident
- LPR40 Lawful Permanent Resident with 40 quarters Qualifying Work History
- P Parolee Under INA Section 212(d)(5)
- PIP Public Interest Parolee
- PREC Pregnant
- R R Refugee Under INA Section 207
- SIV SIV Iraqi & Afghan Special Immigrant Visa Under INA Section 101(a)(27)
- T T Trafficking Victim - T Visa
- TEF T Visa Eligible Family Members
- U U Battered Noncitizens - U Visa
- UEF U Visa Eligible Family Members
- VAMA Vietnamese Amerasians Under INA Section 584
- VET VET Military Connection / Veteran
- <18 Children Under the Age of 18
- >65 Over the Age of 65 Lawfully Residing in the U.S. on 8/22/1996

● Visa or Entrant Type ● May be Exempt from Some Eligibility Restrictions

— All are Welcome in the County of Alameda —

Immigration: Understanding “Public Charge”



Know Your Rights!

Community Resources:

- International Institute of the East Bay (510) 451-2846
- Catholic Charities of the East Bay (510) 768-3100
- East Bay Community Law Center (510) 548-4040

Does “Public Charge” in the Immigration Process Apply to Me? Not If You Are:

- A Citizen
- A Legal Permanent Resident
- A Refugee
- An Asylee
- A T-Visa Applicant
- Applying for or holding a U-Visa
- A self petitioner under VAWA
- Applying or re-registering for TPS
- An Afghan and Iraqi Special Immigrant
- A Special Immigrant Juvenile
- An Individual Granted Relief Under:
 - CAA, NACARA, HRIFA

Additional categories of immigrants are exempt. The final rule maintains these exemptions. This is a partial list for informational purposes only.

What Does This Mean for My Family?

- The federal government does not access public benefits systems for immigration enforcement.
- Information you’ve shared for public benefits is ONLY used for eligibility determination.
- It is important that you continue to receive the support that helps your family be healthy, fed, and secure in your housing.

What is the New Public Charge Rule?

Updated: August 2019

The White House Administration published a final rule that expands the definition of “public charge” used during the immigration process. A “public charge” is someone that is likely to become primarily dependent on the government for support. The list in yellow below details which programs the federal administration now considers when making a determination.

Public Charge and Public Benefits: What Does This Mean?



The programs in the green box are **NOT** considered in the public charge test. Please continue to use the programs that support your family.

Health:

- Medi-Cal (for Children & Pregnant Women)
- Medicare
- Disability

Nutritional Support:

- WIC
- School Breakfast & Lunch

Children’s Services:

- Head Start
- Child Care
- Public Education

Employment Services:

- Unemployment
- Worker’s Compensation
- Federal & State Retirement



Effective on October 15, 2019, we encourage you to speak with a trusted lawyer to better understand the impact of accessing the listed public benefits below in yellow:

Income Support:

- General Assistance
- CalWORKs
- SSI

Health:

- Medi-Cal (for Adults)

Nutritional Support:

- CalFresh

Housing Assistance:

- Section 8 Voucher Rental Assistance
- Section 8 Project-Based Rental Assistance
- Public Housing

NOTE: The Department of Justice is considering a separate new rule related to “public charge” and deportation. This proposal has not been released, and does not apply to the information here. We are closely monitoring this issue with advocates across the nation, and will provide updated information as soon as more is known.



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MEMORANDUM

TO: All Social Services Agency (SSA) Staff
FROM: Lori A. Cox, Agency Director
RE: UPDATE: Temporary Injunction: "Public Charge"
DATE: October 14, 2019

As you know, Alameda County Social Service Agency (SSA) and the Board of Supervisors strongly opposed the Trump Administration's changes to an outdated and unnecessary federal policy known as "public charge".

Nationwide Injunction

Last Friday, there were [three federal court cases](#) that blocked the Trump administration's public charge rule. Although temporary, these injunctions stop the new rule from taking effect on October 15. SSA is relieved by this decision as it is a strong victory for immigrant families and advocates. We will continue to track closely and will update you as we await a permanent injunction.

Important details to know

As a reminder, the rules for California's public assistance benefits have not changed. This includes all eligibility guidelines and access to benefits for legal permanent residents and clients with qualifying immigrant status remain intact. We want to help our clients continue to receive the assistance they and their families are eligible to receive.

Our position as an Agency

As an Agency, we remain committed to and supportive of access to services of all individuals and families living in Alameda County, including immigrants. We want to continue to educate and empower our community to actively engage with an immigration attorney should they have any questions or concerns about their individual case.

Connections to Immigration Legal Services

Anyone concerned about applying for benefits or considering removal from benefits should consult an immigration attorney. Please provide clients with the following info on free community-based legal assistance:

- Asian Pacific Islander Legal Outreach (510) 251-2846
- Bay Area Legal Aid (800) 551-5554
- Catholic Charities of the East Bay (510) 437-1554
- Centro Legal De La Raza (510) 437-1554
- East Bay Community Law Center (510) 548-4040
- International Institute of the East Bay (510) 451-2846

All information is available in 10 different languages. Please visit the SSA Immigration Resources webpage at: <https://immigration.alamedasocialservices.org>, or contact your Assistant Agency Director.



Preguntas frecuentes:

Norma final de carga pública y beneficios públicos

Al 14 de agosto de 2019, esta información es actual y precisa.

1. ¿Qué es la carga pública y cuándo entra en vigor la norma nueva?

La nueva norma de carga pública entra en vigor el 15 de octubre del 2019. Entra en vigencia 60 días después de la fecha en la que se publicó la norma final en el Registro Federal (Federal Register) (14 de agosto del 2019).

La "Carga pública" es una evaluación que usa el Servicio de Ciudadanía e Inmigración de los Estados Unidos (US Citizenship and Immigration Services, USCIS) para decidir a quién dejarán entrar a los Estados Unidos, quién puede renovar determinadas visas temporales y quién puede obtener la residencia permanente legal (Lawful Permanent Residency, LPR), también conocida como tarjeta verde. **NOTA: La carga pública no se aplica a los residentes permanentes legales que soliciten adquirir la ciudadanía estadounidense por naturalización.**

2. ¿Qué cambiará en virtud de la nueva norma de carga pública?

En virtud de la nueva norma, el Departamento de Seguridad Nacional (Department of Homeland Security) ha redefinido la carga pública como una persona que "es más probable que improbable" que reciba beneficios públicos durante más de 12 meses dentro de un período de 36 meses.

La siguiente es una lista de los beneficios públicos que ahora se incluyen para su consideración:

- CalWORKs
- Ayuda General (General Assistance, GA)
- Seguridad de Ingreso Suplementario (Supplemental Security Income, SSI)
- Cuidado a largo plazo
- Medi-Cal
- CalFresh
- Vivienda pública
- Ayuda de la Sección 8

3. ¿Hay beneficios que no se consideren en la nueva norma?

Sí, la siguiente es una lista de los beneficios que **no** se incluyen para su consideración:

- Medi-Cal para niños y mujeres embarazadas
- Ayuda en caso de desastres
- Programas de nutrición escolar
- Programa para Mujeres, Bebés y Niños (Women, Infants, and Children, WIC)
- Crianza temporal y adopción
- Head Start
- Crédito Tributario por Ingreso del Trabajo (Earned Income Tax Credit, EITC)
- Crédito Tributario por Hijo (Child Tax Credit, CTC)

4. ¿Cuándo se aplicará la nueva norma de carga pública?

La nueva norma de carga pública se aplicará en determinados puntos del recorrido migratorio:

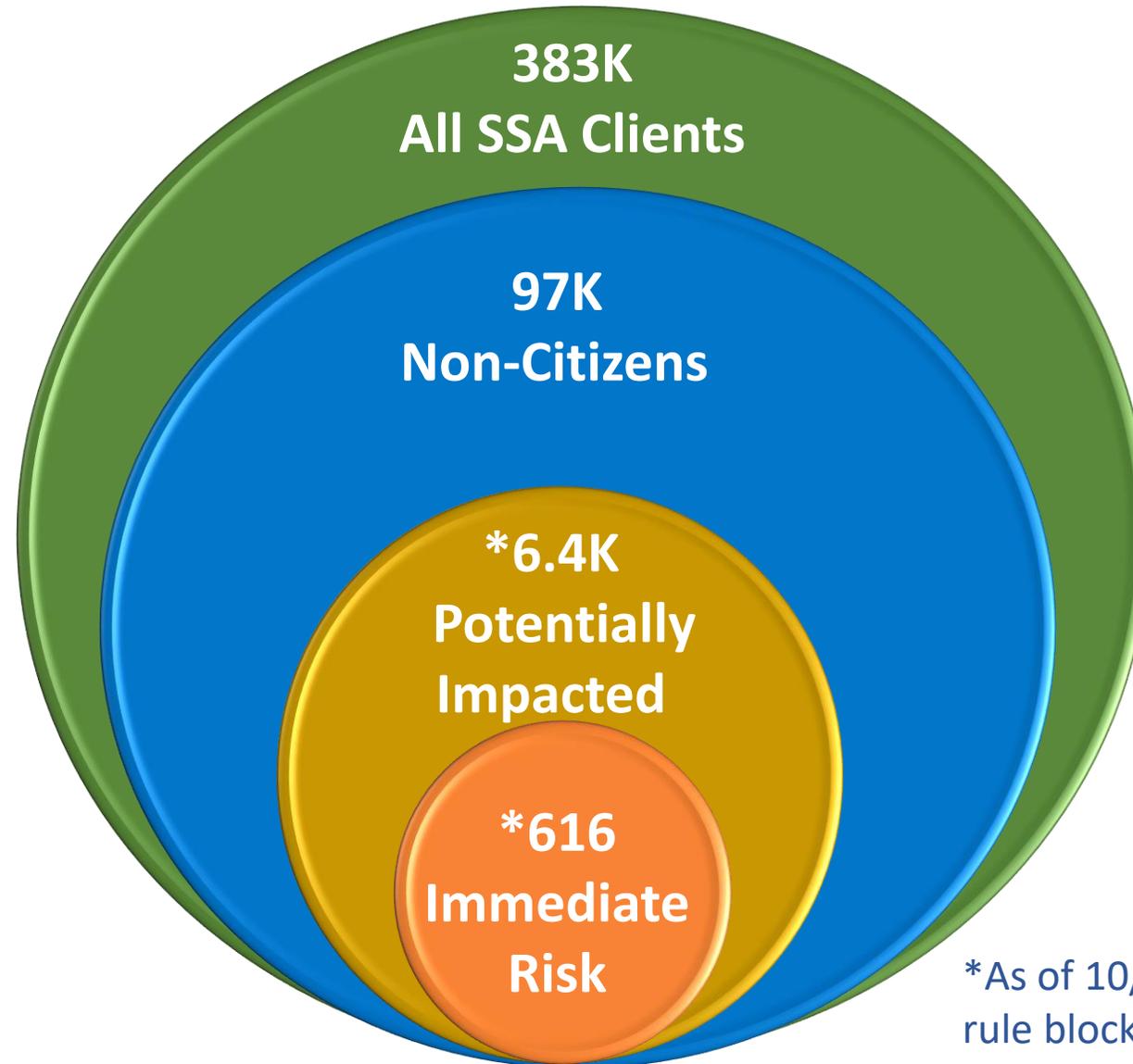
- Cuando una persona presenta una solicitud para ingresar en los Estados Unidos.
- Cuando una persona presenta una solicitud para adquirir la residencia permanente legal (LPR) a través de un familiar o de un empleador.

5. La nueva norma de carga pública, ¿se aplica a todos los inmigrantes?

No. La siguiente es una lista de las categorías que están **exentas**:

- Ciudadanos estadounidenses naturalizados
- Residentes permanentes legales
- Refugiados y asilados
- Beneficiarios de la Acción Diferida para los Llegados en la Infancia (Deferred Action Childhood Arrivals, DACA)

Estimated Chilling Effect of the New Public Charge Rule in Alameda County (September 2019)



*As of 10/11/19: Implementation of the final rule blocked by temporary national injunction.

Alameda County Actions and Community Partnerships



Alameda County
Health Care Services Agency



ALAMEDA HEALTH
CONSORTIUM



ASIAN HEALTH SERVICES



ALAMEDA COUNTY
COMMUNITY
FOOD BANK

Until everyone's fed

Senior Services Coalition
of Alameda County



CWDA

Advancing Human Services
for the Welfare of All Californians



NATIONAL IMMIGRATION LAW CENTER

- Lead Agency & 1st County in CA to oppose in Oct. 2017
- Active participants in weekly statewide and national advocacy calls
- Call with the Office of Management & Budget (OMB)
- Partner in several town halls led by BOS
- Released Media Advisories, issued All Staff Memos, FAQ's, infographic
- Developed a public Immigrant Resources web page
- Presented at over two dozen community events
- Alameda County signed an amicus brief to the injunction filed by the CA Attorney General

Alameda County Legislative Actions – Public Charge

- **Federal**
 - H.R. 3222 (Chu) No Federal Funds for Public Charge of 2019
 - H.R. 7052 (Chu) No Federal Funds for Public Charge of 2018

- **State**
 - ACR 1 (Bonta) –Relative to the Immigration and Nationality Act

- **County**
 - 2019-2020 Alameda County Legislative Platform
 - Specifically states that the County opposes the expansion of public charge
 - Lists Immigrant Protections as 1 of 12 Legislative Priorities in 2019

Trump's Invisible Wall

PUBLIC CHARGE:
Visas and green card processing *outside* the U.S.

(DOS - Foreign Affairs Manual (FAM))

PUBLIC CHARGE:
Visa extensions & Status changes

(DHS Proposed Rule)

PUBLIC CHARGE:
Green card processing *inside* the U.S.

(DHS Proposed Rule)

SPONSOR DEEMING & LIABILITY: Potential application to more programs

(White House memo)

PUBLIC CHARGE:
Grounds for deportation

(Anticipated DOJ NPRM)

PUBLIC CHARGE:
Low-income immigrants lose access to green cards & cut off from citizenship / voting rights.

CITIZENSHIP QUESTION IN CENSUS 2020: Chills civic participation and will limit funding for basic needs programs that depend on accurate count

(SCOTUS decision)

PUBLIC HOUSING ACCESS: Closes door to mixed status families

(HUD Proposed Rule)

FEE WAIVER: Removing receipt of means-tested benefits from eligibility list

(DHS Proposed Rule)

FEE WAIVER: Low-income immigrants lose access to citizenship/ voting rights.

(DHS Proposed Rule)



Alameda County Legislative Actions – Immigrant Rights

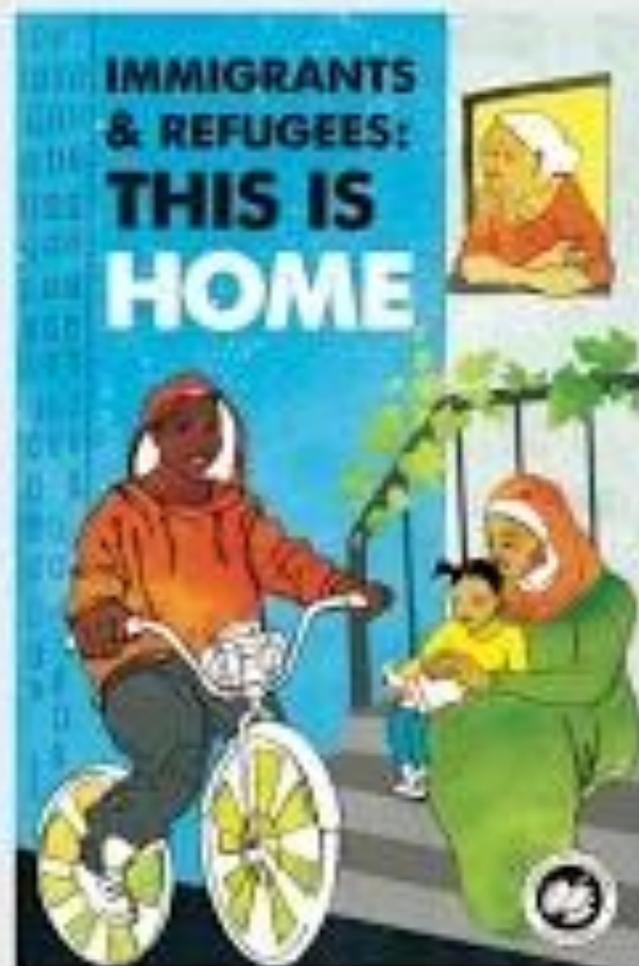
- **Federal Notice of Proposed Rule Making (NPRM)**
 - USCIS Fee Waiver Eligibility Criteria (September 2018)
 - DHS Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Minor Children (September 2018)
 - HUD Housing and Community Development Act of 1980: Verification of Eligible Status (May 2019)
 - *Removal of 30-Day Processing Provision for Asylum-Applicant Employment Authorization (September 2019)

- **White House Administrative Policy**
 - Citizenship Question in Census 2020
 - Enforcing the Legal Responsibilities of Sponsors of Aliens (May 2019)
 - Presidential Proclamation on the Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System (October 2019)

- **State Legislation**
 - AB 4 (Arambula) & SB 29 (Durazo) Medi-Cal: Eligibility
 - AB 1324 (Levine) Foster Children: Immigration Counsel
 - AB 1593 (Reyes) Personal Income Taxes: Earned Income Credit

★ KNOW ★
— YOUR —
RIGHTS

Public Charge Rule



immigration.alamedasocialservices.org

Recommended Actions for Other Counties

- Share accurate and timely information with staff and community partners.
- Closely Monitor the pending litigation, as it may further delay the rules implementation.
- Work closely with your Agency, Board of Supervisors and other elected officials including Congressional representatives to support actions that protect immigrant communities.

Thank you & Stay Connected



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