



Demystifying Public Charge Webinar Q&A

Q#	Topic	Question	Answer
1	Immigration	What is LPR?	Lawful Permanent Resident (green card holder)
2	Immigration/Public benefits	Does that mean that a person who is not a LPR can get full Medi-Cal then instead of just emergency Medi-Cal?	Those younger than 26 years old and those who are 50 years of age and older can get full-scope Medi-Cal regardless of immigration status, if otherwise eligible. Currently, those with no status (undocumented) between the ages of 26 - 49 years old are eligible for restricted- scope Medi-Cal. California plans to expand full-scope Medi-Cal to this age group in January 2024.
3	Public charge	What do people have to do to prove that they are not public charges? Are there any documents that they need to turn in to prove this?	No extra documents they must submit. If they are subject to a public charge test, the immigration officer deciding on their application will look at the applicant's age, health, household size, current or past receipt of public benefits that count, the affidavit of support, work history, etc. This information will be part of the general application.
4	Public benefits	If a family says they do not qualify for Medi-Cal, would it be due to income? We have families who say their children have Medi-Cal but not themselves (parent).	There are many reasons why an individual won't be eligible to receive Medi-Cal. For example, they are over the income limits or they failed to provide documents required. The denial or discontinuance notices sent by the county lists the specific reason why the person is not eligible.
5	Public charge	If a family member petitions for another person to become a LPR then I assume they will have to worry about public charges, correct?	Yes, if the family member is a US citizen or LPR/green card holder and is petitioning for/sponsoring their relative, then the applicant will be subject to public charge.
6	Public charge	Can you use public benefits temporarily if you are DACA and later you try to become an LPR or United States Citizen?	From an immigration perspective, yes. If you later try to become an LPR through a family member or employer petition, then you will be subject to a public charge test. However, past use of benefits might not matter because they were not benefits that count, or it was a long time ago or for a short amount of time. Looking at the applicant's full life circumstances, the immigration officer may determine they are not likely to become a public charge (primarily dependent on the government for support) in the future.
7	Public charge/Public benefits	How do the new laws apply to CAPI being a state benefit?	CAPI would be considered in a public charge test, if the person receiving CAPI were subject to a public charge test. However, immigration officers also look at the person's age, health, work history, etc. so this would just be one piece of the public charge analysis.

8	Public charge/Public benefits	How does the public charge rule apply Medicaid deeming programs?	Public charge has no effect on deeming. Also, a person's receipt of Medi-Cal (except for long term care) is not considered public charge.
9	Public benefits	So when a mom is filling out an application for food stamps but does not have SSC and her kids do, this would not impact the mom's immigration status?	Correct, this would not impact the mom's immigration situation.
10	Immigration	Where can people get immigration consultations in SF?	Free or low cost immigration legal services are available to immigrants in SF. Trusted community providers can be found at: immigrants.sfgov.org OCEIA's page specifically about public charge: https://immigrants.sfgov.org/rights/public-charge
11	Immigration/Public benefits	Are B-2 visa holders eligible for Medi-Cal and/or Healthy SF?	Immigration status does not determine whether an applicant is eligible or ineligible for Medi-Cal, it determines if they received full scope or restricted scope. Individuals with various immigration status can apply for Medi-Cal; however, all eligibility requirements must be met to qualify, including California residency.
12	Public benefits	Do you have sponsor information in Chinese that we can share with the clients who worry that if they use CalWORKs that will affect their sponsor?	Information about sponsors and other related questions in Chinese: https://zh-tw.sfhsa.org/services/immigrants-benefits/changes-public-charge . This webpage is available in multiple languages.
13	Public charge	If someone is on U visa and is receiving CalWORKs, will it be more difficult when this person is being sponsored by an employer or a family member for a green card? Especially if the family is also low income?	Benefits received while on a U visa will not be considered in a public charge test.
14	Immigration/Public benefits	What form/document does a U visa applicant need to apply for HSA benefits and when are they eligible to apply for those benefits?	For Medi-Cal: Applicants/beneficiaries can attest to their immigration status. If the county is unable to verify the individual's immigration status through available electronic sources, the individual will have to provide verification (within 90 days). Acceptable verification types for U-Visa include, but are not limited to: <ul style="list-style-type: none">• A confirmation receipt or letter from USCIS verifying that a Petition for U Nonimmigrant Status (Form I-918) has been filed.

			<ul style="list-style-type: none">• A Form I-797 approving a U Visa or U Visa stamp in passport.• A Form I-797 which serves as a fee receipt for an employment authorization request based on a U Visa application.• A completed copy of Form I-918. If the only available evidence is the completed copy of the I-918, the applicant must provide, within a reasonable time, verification from USCIS that it was submitted.• An Employment Authorization Document (EAD) issued under category "A19" or "A20" for an approved U Visa petitioner.• A Form I-797 which serves as a fee receipt for a Form I-485 Application to Register Permanent Residence or Adjust Status, and the first page of the applicant's Form I-485 indicating that it is based on U Visa status.• An Employment Authorization Document (EAD) issued under category "C9" along with the first page of the applicant's Form I-485, indicating that the application to adjust to lawful permanent residence is based on U Visa status.• A Form I-797C Extension of U nonimmigrant status. <p>For CalFresh:</p> <ul style="list-style-type: none">• A confirmation receipt or letter from USCIS verifying that a Petition for U Nonimmigrant Status (Form I-918) has been filed.• A Form I-797 approving a U Visa or U Visa stamp in passport.• A Form I-797 which serves as a fee receipt for an employment authorization request based on a U Visa application.• A completed copy of Form I-918. If the only available evidence is the completed copy of the I-918, the applicant must provide, within a reasonable time, verification from USCIS that it was submitted.
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- An Employment Authorization Document (EAD) issued under category "A19" or "A20" for an approved U Visa petitioner.
- A Form I-797 which serves as a fee receipt for a Form I-485 Application to Register Permanent Residence or Adjust Status, and the first page of the applicant's Form I-485 indicating that it is based on U Visa status.
- An Employment Authorization Document (EAD) issued under category "C9" along with the first page of the applicant's Form I-485, indicating that the application to adjust to lawful permanent residence is based on U Visa status.
- A Form I-797C Extension of U nonimmigrant status.
- Any verification from the USCIS or other authoritative document that verifies U-Visa

For CalWORKs:

- The Notice of Action, Form I-797, approving a U visa; or
- A Form I-797 which serves as a fee receipt for an employment authorization request based on a U visa application; or
- A copy of the Petition for U Nonimmigrant status (Form I-918)
- An employment Authorization Document (EAD) issued under Category "A19" or "A20" for an approved U visa petitioner.

For CAAP:

- Evidence to show the applicant has applied for or been approved for a U visa;
- Confirmation receipt or letter from USCIS verifying that a request has been filed;
- Notice of Action, Form I-797, approving a U visa;
- Form I-797 which serves as a fee receipt for an employment authorization request based on a U visa application;

			<ul style="list-style-type: none"> • Copy of the Petition for U Nonimmigrant status (Form I-918); • Employment Authorization Document (EAD) issued under Category "A19" or "A20" for an approved U visa petitioner; • Any verification from the USCIS or other authoritative document.
15	Immigration/Public benefits	Which immigration statuses are NOT eligible for CalWORKs?	Temporary non-immigrant visa, student and exchange visitors, temporary visit for business, undocumented immigrants, DACA, TPS (Temporary Protection Status), pending asylum.
16	Public charge	Are undocumented students who are applying for scholarships considered a Public Charge?	No. There is no public charge concern. However, someone undocumented might not qualify for some federal financial aid.
17	Public charge	Ana is undocumented and has a 10 year old boy, not born in the US and a 1 year old baby born in the US, and she is afraid of asking for CalWORKs benefits. She has been told that this can affect a future legal status for her and her 10 year old boy.	The new rule makes clear that a family member can use benefits for which they are eligible. In this case, the US citizen child can use any benefits for which they qualify and it will not harm Ana or the 10 year old.
18	Public benefits	Numerous participants at our agency have told us that they have been told by HSA staff they are not eligible for benefits due to their status. In particular Medi-Cal for parents - even Emergency Medi-Cal. Is there a contact for providers to share this concern when we made aware of this?	Providers can share those concerns by calling us at (415) 558-4700 or emailing us at SFMedi-Cal@sfgov.org
19	Immigration/Public benefits	Can an undocumented single mom apply for CalWORKs?	Yes, if she has a U.S. born child and applies on their behalf.
20	Public benefits	Families are not being informed about the diaper benefit available now to Medi-Cal if recipients. What is the internal protocol to inform recipients?	SFDB Locations — San Francisco Diaper Bank (sfdiaperbank.org) the applicants should be informed by staff when they apply
21	Public charge	If an American citizen asks for childcare for her daughter and wants to start the petition process for her undocumented mom, would this impact her?	No, it will not impact her. First, public charge does not apply to the sponsor, so the sponsor can use what is needed. Second, childcare does not count in public charge decisions. Any immigrant can use free and low-cost childcare programs.

22	Public charge	If you are in the process for a U visa and ask for financial assistance or scholarships for university, are you considered a Public Charge?	No. There is no public charge for U visa applications. Financial aid does not count in public charge decisions.
23	Public benefits	Can you explain the benefits/time limits (8 months)? Available to recently granted asylee status? Where do they apply?	<p>Asylees, refugees and U Visa/T Visa holders are eligible for Refugee Cash Assistance for 8 months from the date of entry to the U.S. They can apply for that type of assistance through CalWORKs.</p> <ul style="list-style-type: none"> • Refugees, Special Immigrant Visa (SIV) and Amerasians can apply if entered the US on or after 9/7/2015. • Asylees: from date asylum is granted. • T visa for human trafficking: from date certified by Office of Refugee Resettlement or date of application if not certified. • U visa for victims of serious crime: the date of application is the date to use for the beginning of cash assistance. <p>Clients can apply by calling CalWORKs (415) 557-5100 or www.mybenefitscalwin.org</p>
24	Immigration	I don't know if this question applies to this topic, but I wanted to ask: if my daughter, who is an American citizen who is 21 years old, petitions for me, do I need to go back to my country for 10 years if I came to the US with a visa?	We cannot answer this specific case question here. Many factors go into deciding whether someone must stay out for 10 years. It would be best to get a consultation.
25	Public benefits	Can you please share the address for the Mission office?	SFHSA - 1235 Mission St, 1440 Harrison St, 170 Otis
26	Public charge	Will applying for CalFresh affect undocumented patients? I get many clients who ask if applying for benefits will expose their immigration status and lead to possible deportation.	Public charge is not an immigration enforcement tool. If the person qualifies for the benefit, it will not impact them. The only possible risk is someone in a status that can be verified with egregious criminal history.
27	Public benefits	What immigration statuses are NOT eligible for CalFresh?	Student/work /tourist visas, DACA, TPS, undocumented, pending asylum.
28	Immigration/Public benefits	Are people with TPS eligible for any public benefits?	People with TPS are eligible for Medi-Cal.
29	Immigration/Public benefits	Can asylum seekers (cases pending but not approved) who have obtained	No, only if asylum has already been granted.

		temporary work authorization be eligible for CalWORKs?	
30	Public benefits	How early in the pregnancy can a pregnant mom start receiving diapers?	One month before the child is born.