

Overview

The federal government is proposing a rule that could change how immigration officials determine whether certain immigrants will become a “public charge.” Public charge is a term used in immigration law to describe someone who is primarily dependent on government assistance. A public charge assessment considers whether a person is likely to become a public charge at some time in the future. If finalized, the proposed rule would redefine the term “public charge” and the factors used to assess whether someone is likely to become a public charge.

The rule would affect individuals applying for one or more of the following:

- Admission to the United States
- To become lawful permanent residents (LPR or “green card” holders)
- To extend or change their nonimmigrant visa category – Some immigrant groups such as refugees, asylees, survivors of violence, and other protected groups are excluded from public charge

The rule change is only a proposal and has not yet been implemented. Current federal rules regarding public charge remain in effect.

The proposed rule includes receipt of Medi-Cal as a benefit that would factor into a public charge determination, however, emergency services funded by Medi-Cal are exempted. **Covered California coverage, including advanced premium tax credits (APTCs) and cost-sharing reductions (CSRs) are not treated as benefits to be considered in a public charge assessment under the proposed rule.**

Many factors including age, health, family status, and the length of time the individual received the benefit must be considered to determine whether a person is considered a public charge. Receipt of a public benefit alone does not automatically make someone a public charge. Public charge is also a prospective test and no one factor is definitive. Each person’s case is unique, and their overall circumstances must be reviewed as a whole.

Talking Points

Covered California Certified Enrollers may receive calls from consumers who have questions regarding the proposed rule. Certified Enrollers should continue to help all consumers enroll in Covered California or Medi-Cal as eligible. Covered California understands that consumers may be concerned about whether enrolling in a Covered California plan will negatively affect them or a member of their household.

If you receive such an inquiry, communicate the following:

- The rule is still a proposal – The policy on public charge within the U.S. has not yet changed
- The proposed rule does not include receipt of APTCs or CSRs as a public charge benefit
- Not all immigrants are subject to the public charge test
- **Federal and state laws protect the privacy of people who apply for or receive health care coverage and other public benefits.**

If the consumer needs help, refer them to the [Health Consumer Alliance \(HCA\)](#) at **888-804-3536** to speak with a local health advocate about the public charge rule.

You can also refer consumers to the [Department of Social Services website](#) to find a state-funded organization in their area that provides legal services to immigrants.