

State of California



BRADLEY P. GILBERT, MD, MPP
DIRECTOR



GAVIN NEWSOM



KIM JOHNSON
DIRECTOR

February 24, 2020

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-18-20
MEDI-CAL ELIGIBILITY DIVISION INFORMATION LETTER (MEDIL) NO.: I 20-04

TO: ALL COUNTY WELFARE DIRECTORS

FROM: CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES

SUBJECT: LEGAL STATUS OF THE FEDERAL PUBLIC CHARGE RULE

The purpose of this notice is to inform County Welfare Departments (CWDs) that on January 27, 2020, the U.S. Supreme Court stayed the nationwide injunction blocking the final public charge rule (Rule) from taking effect. This means that the courts are no longer blocking the Rule and it can take effect for the time being. The U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has issued guidance indicating that it will begin using the new public charge Rule to evaluate immigration petitions and applications on February 24, 2020. However, California, along with many other plaintiffs, continue to argue through the legality of the public charge rule in the courts.

The Rule adds new reasons that the U.S. government can find that an immigrant is or is likely to become a public charge and is therefore inadmissible to the United States and/or unable to receive a "green card." One new reason a person may be found to be a public charge is because he or she received one or more specified public benefits for more than 12 months in any 36-month period. USCIS has said that using one or more benefit per month will be counted separately. For example, receiving two benefits in one month will be counted as two months.

The California Health and Human Services (CHHS) Agency, along with its Departments, developed guidance on the Rule. It is intended to: (1) provide a high-level explanation of

the Rule, with particular emphasis on how certain public benefits administered by departments within CHHS will be considered under the expanded definition of “public charge” under the Rule, and (2) direct individuals who may be impacted by the Rule and providers to relevant resources to help answer specific questions that they may have.

More information about the specific public benefits that will and will not be considered under the Rule may be found on the USCIS’ webpage: [Inadmissibility on Public Charge Grounds Final Rule](#). A more comprehensive description is also available in the official policy guidance related to public charge determinations that USCIS issued: [USCIS Policy Manual, Chapter 10 – Public Benefits](#).

PLEASE REMEMBER: CWDs’ staff, including but not limited to eligibility workers, can share official (i.e., guidance and materials issued by the State of California or the Federal Government) handouts and other written materials about public charge with new applicants or continuing clients but should **not** provide legal advice about the immigration consequences of receiving public benefits. State-funded informational resources about public charge, including materials developed by the counties and State of California, can be found on the County Welfare Directors Association’s (CWDA) website [here](#), and the Health and Human Services Agency website [here](#).

There are many factors that affect whether a person may be considered a public charge and whether the public charge rule even applies to them. Every person’s case is unique and requires review by a qualified legal professional. State-funded organizations that can provide legal services to immigrants are listed [here](#). CWDs’ staff may provide this contact information to new applicants or continuing clients.

The State of California will continue to fight this Rule in court, and the Rule could be vacated or otherwise invalidated by one or more courts in the future. This means that although the Rule will be allowed to take effect for the time being, we do not currently know what the courts will decide or whether the Rule will be allowed to remain in place in the long term. We are unable to provide specific details or timelines for any ongoing lawsuits but will share appropriate updates as new information becomes available.

We will continue to share information about the Rule as it becomes available. In the meantime, we request that you share information about how the Rule may be impacting your agency. This includes any administrative impacts, including increased workload associated with questions from individuals about the Rule, as well as any significant trends in enrollment or disenrollment.

If you have any questions, please contact Marcela Ruiz at (916) 657-2598, or Sandra Williams at (916) 345-8220.