

SEPTEMBER 2021

COMMUNITY MEETING

POWERPOINT WITH PRESENTATION SCRIPT

TIPS ON PREPARATION OF A PUBLIC CHARGE PRESENTATION

ROLE OF THE PRESENTER

- Your role as a presenter is to empower members of the immigrant community and those who represent them with accurate information on public charge. Your goal is to inform people so that they can make decisions about public benefits and the impact that might have on their specific situation.
- The issue of public charge touches on many disparate topics, including immigration law, public benefits eligibility, healthcare, and immigrant sponsor requirements. The presenter does not have to know everything about these topics. For presenters that want more information, in-depth public charge advisories are available on our website at www.ilrc.org/public-charge.
- It is important to never give legal advice on immigration matters unless you are an attorney or a DOJ-accredited representative. Doing so could result in unauthorized practice of law, which carries civil and criminal penalties. Instead, give general information from the Sample Audience Questions and Answers, and direct people to the websites listed under "Smart Referrals" below to locate free and low-cost legal services providers.

PRESENTATION BEST PRACTICES

- Be clear on what you will and will not cover. This will help the audience understand what the key information is for them to remember.
- Review your materials.
- Practice.
- Lead with confidence, not panic. This is important because the changes in the public charge rules over the past few years have increased fear in our communities, often without good information about what the current law is, and which groups are impacted by public charge. Offering assurances about which people are not affected and what public benefits will not impact community members, when possible, will help your audience make important decisions based on knowledge, not fear.
- Know your audience. The level of complexity of this presentation can be modified depending on whether you are talking to community members, community organization leaders, etc. The size of your group might determine your level of formality as well. If possible, determine in advance how much your audience already knows about public charge, and what information would be helpful for them to hear about.

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INITIAL PREPARATION FOR A PRESENTATION

- Reserve a site available for your date and time. Public community venues such as churches, schools, and libraries may be more familiar to community members than private venues and may not charge a fee for the event.
- Consider partnering with another local organization that also works with immigrant communities. For example, legal services presenters often collaborate with health services groups. Public charge presentations might persuade immigrants to seek out individual consultations with attorneys or DOJ-accredited representatives to better understand their options, so presenters could provide a referral to free or low-cost legal services providers. See the websites listed below under “Smart Referrals.”
- Consider inviting co-presenters who may have expertise in immigration law, public benefits, or access to healthcare. If you decide to bring in additional outside speakers, it is important to schedule their participation in advance, and to hold meetings or conference calls with them to agree on the content and format of the presentations prior to the event.
- Advertise the event. Design a flyer with the location, date, and time of the event that describes the topics to be covered and the presenters. Distribute this flyer locally and through traditional and social media.

FINAL PREPARATION FOR A PRESENTATION

- Create an agenda. The agenda should describe the topics you will cover, the presenters assigned to each, and the timing of each presentation. The agenda will help you and your co-presenters stay on schedule.
- Think about how much time you have for the topics you will cover each time you give a presentation. Sometimes you will have 5-10 minutes to cover the general topic of public charge; other times the main issue for the meeting will be public charge. Adjust how you will present accordingly!
- Copy and prepare handouts that are relevant to your audience. For example, some of the flyers and materials included in this toolkit may be most helpful for community members who are deciding whether public charge affects them personally; other resources may be most helpful for community organization leaders who are educating community members about public charge.
- Many hands make light work! Organize volunteers for setup, registration, and cleanup of the venue.

SAMPLE PRESENTATION AND SCRIPT FOR PUBLIC CHARGE PRESENTATION

AGENDA

Present with Slides (5-20 minutes: 20 minutes for full presentation; see below for length of modules)

- What Is Public Charge and To Whom Does It Apply? (Module 1; 5 minutes)
- How Does the Public Charge Test Work? (Module 2; 10-15 minutes)

Answer Questions (10 minutes)

- You can use the Sample Audience Questions and Answers and/or [Public Charge: Community Messages](#) to help answer questions, or even hand out these materials to the audience if you are not comfortable taking questions.

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* You can shorten this presentation. If you have less time or do not have a projector, for instance, you can always use handouts to lead your discussion. The Sample Audience Questions and Answers and [Public Charge: Community Messages](#) documents are good resources for short presentations with handouts. Also, as denoted in parentheses in the “Agenda” above, you could also cover one shorter, discrete module, with or without slides, and with or without supplementary handouts. In other words, you could cover what public charge is and to whom it applies as one module, and how the public charge test works as another module.

SCRIPT

INTRODUCTION AND OPENING

Trainers should introduce themselves and describe the purpose of the presentation: to distribute accurate information about public charge, to empower the immigrant community to access benefits for which they are eligible, and to share available resources.

Sample openings:

1. How many people here today have heard that you will have problems with immigration if you use public benefits? How many people want to apply for a family member to come to the United States, or know someone who does?
2. During the presidency of Donald Trump, there was a lot of scary information about immigration circulating in the community, and news about public charge was one reason people were nervous. Many people worried they would not be able to immigrate or might even be deported if they used public services because the government would think they were a “public charge.” Although the Trump public charge rules are no longer in effect, community members may still worry that enrolling in public programs will hurt their immigration cases. We will talk about what the current public charge rules say and which public benefits are OK to use. We will also describe which groups are not subject to public charge rules at all, because public charge does not apply to everyone.

SMART REFERRALS

Be prepared to refer people to local immigration legal nonprofits for further assistance. If the person believes the public charge law might apply to them, they should seek trusted, expert advice. One idea is to prepare a referral sheet based on the list of nonprofit legal services providers in your area who are funded by the California Department of Social Services (CDSS) to advise immigrants on public charge. See <https://www.cdss.ca.gov/benefits-services/more-services/immigration-services/immigration-services-contractors/public-charge-contact-list>. You could also share the National Immigration Legal Services Directory tool maintained by the Immigration Advocates Network at www.immigrationadvocates.org/nonprofit/legaldirectory/, through which community members can locate free or low-cost legal services providers by zip code nationwide.



[Title slide – insert your presentation title and organization logo]

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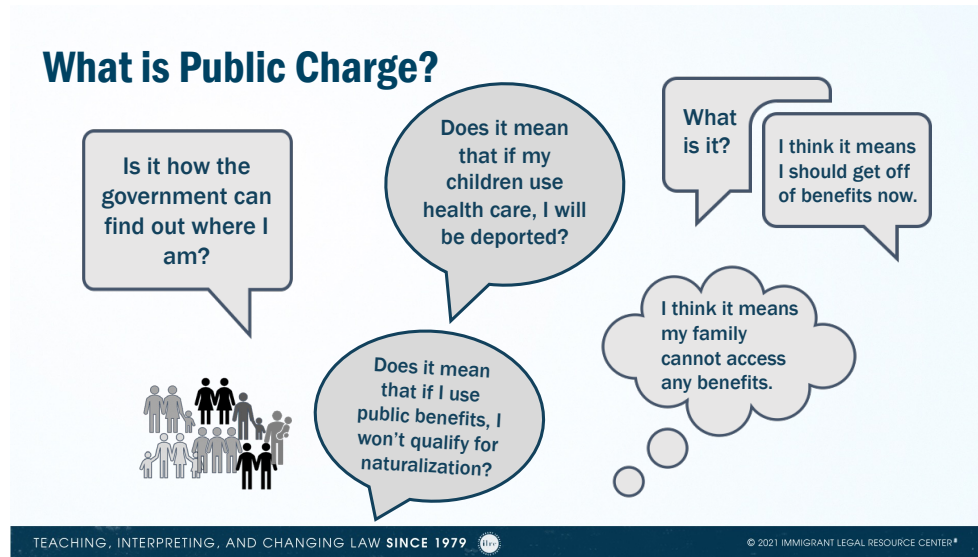
SPEAKER NOTES: The goal of today’s presentation is to share accurate information about public charge with the immigrant community so people can make informed decisions about public benefits. We will talk about what public charge is and who it applies to. We will also talk about how the public charge test works, including which public benefits count and don’t count in a public charge test, if you have one. We’ll also talk about public charge concerns related to COVID-19 testing, treatment, and vaccinations. In all, we hope that this presentation will encourage you and other members of the immigrant community to access needed supportive services and programming without fear, since Trump’s public charge rules are now gone.



What is public charge and to whom does it apply?

2

SPEAKER NOTES: The first part of this presentation will address what public charge is and who it applies to.



SPEAKER NOTES: What is public charge?

Public charge is a term in United States immigration law, and it doesn't affect many immigrants. We'll talk about what public charge is in a moment, but first we'll talk about what public charge is not.

There are many myths about public charge that developed over the past few years. This is because former President Trump said a lot of hateful and false things about immigrants, like that they were a drain on the U.S. economy because they depended on government benefits, and that immigrants could be deported if they enrolled in subsidized healthcare. In reality, many noncitizens do not qualify for public benefits, and immigrants can't be deported simply for using public benefits they qualify for. But Trump intended to make public charge seem bigger than it is, to scare immigrants and their family members into withdrawing from public programs they needed and were entitled to use. As a result, many folks didn't access key support programs out of fear that they would be considered "public charges" and get deported, separated from their loved ones, or lose the chance to become U.S. citizens.

While President Trump spread false rumors about public charge, the Trump administration worked to change public charge policy, which we'll talk about. Now that Trump is out of office, President Biden has ended Trump's public charge policy, but there is still much confusion about the public charge law and how it might impact immigrant families.

The bottom line is that for immigrants, public charge is often a loaded and confusing topic, especially after Trump, and talking about it may raise various fears, concerns, and emotions. After today, we hope you will have a better sense of the specifics of the law so you can enroll in supportive programs that will help your family thrive, without fear of negative immigration consequences.



Public Charge

- **A test in U.S. immigration law that applies to two types of cases:**
 - Applying for a visa to enter the United States
 - Applying for permanent residence (a “green card”) through a family member
- **The “public charge test” is part of these applications. It assesses if someone is likely to depend on public benefits programs in the future.**

SPEAKER NOTES: The good news is that public charge is a much smaller part of immigration law than most people think.

Public charge is a test in immigration law that only applies to two types of cases: if you are applying for a visa to enter the United States, and if you are applying for permanent residence, which is also called a “green card,” through a U.S. citizen or permanent resident family member.

The test evaluates if an applicant for one of these two types of immigration benefits seems likely to depend on public benefits in the future. If immigration officials decide that the applicant is likely to depend on public benefits in the future, they can deny the person’s green card or visa application.

Many Immigrants Are Not Subject to Public Charge

- Refugees and asylees
- SIJS
- U visa and T visa
- VAWA
- DACA
- TPS
- Most legal permanent residents (LPRs)
- Naturalization (citizenship) applicants
- U.S. citizens
- Others!

But public charge
may apply
if seeking green card
through U.S. citizen or LPR
petitioning family
member!

SPEAKER NOTES: : Because the public charge test only applies to two kinds of cases, many immigrants are not subject to public charge. For example, a person who comes to the United States as a refugee or a person who is already in the United States and applies for asylum does not have a public charge test. U and T visa applicants as the victims of crime or trafficking, young people who are applying for Special Immigrant Juvenile Status, and VAWA self-petitioners also do not have a public charge test. People who are applying for DACA or TPS also do not have a public charge test. Most permanent residents also do not have to worry about public charge, unless they travel outside of the United States for more than 180 days on one single trip.

All of these people can access public benefits they are eligible for and do not have to worry about it affecting their immigration status. This is because they do not have a public charge test in their future.

Note the red box, though. Public charge may apply to some of the people on this slide if they apply for legal permanent residence through a U.S. citizen or permanent resident family member. 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 U.S. citizen or permanent resident family member, they will have to go through a public charge test to get their green card.



Slide Title Here

How does the public charge test work?

SPEAKER NOTES: The second part of this presentation will address how the public charge test works.

The Public Charge Test

Age	Education
Skills	Income or Assets
Employment	Health
Sponsor Contract	Certain Benefits Use

SPEAKER NOTES: Remember, many immigrants are not subject to public charge, so they won't have a public charge test in their future. But what if you will have to think about public charge, because you are applying for a green card through a U.S. citizen or permanent resident family member, or for a visa to enter the country?

Immigration officers use the public charge test to assess whether a person is likely to use certain government services in the future. Immigration officers consider all of a person's circumstances to try to predict this, not just their use of certain benefits. Officers consider a person's age and their education level, for example, and things like having a high school diploma, a job, being healthy, and having a sponsor in support of your immigration application will help you.

Current Public Charge Policy

Public charge = a person likely to become primarily dependent on the government for income support

Programs that “count” towards public charge:

- **Cash assistance for income maintenance (e.g., SSI, TANF/CalWORKs, General Assistance/CAPI)**
- **Long-term institutionalization paid for by Medicaid (Medi-Cal)**

Programs that do NOT “count” towards public charge:

- **Health, food assistance, and housing programs**
- **Any non-cash assistance**

Benefits received by family members do NOT count against the applicant!

SPEAKER NOTES: Right now, if you’re applying for a visa to enter the United States at a consulate abroad or if you’re applying for permanent residency from within the country, public charge means the same thing—primary dependence on the government for income support. “Primary dependence” means that at least half of the applicant’s financial support must come from the federal government; it’s not just mere use of any service.

Also, the only programs that count in the public charge test under current policy are cash aid (what some people call “welfare”) and long-term institutionalized care. That means that all other services are not part of what we think of when we mean someone is a public charge. For instance, under this policy, using health care programs does not count if you have a public charge test, and neither do any other programs besides cash aid. Food assistance programs like WIC and “food stamps” or CalFresh, for example, do not factor into whether someone is a public charge.

And public charge is an individualized test. Use of cash aid by an applicant’s family member does not make the applicant a public charge, unless the cash aid is the applicant’s sole source of economic support.

Safe to Use List: Many Programs Do NOT Count

Including but not limited to:

- CHIP
- WIC
- Medicaid
- Disaster relief
- Free and reduced cost school meals
- P-EBT
- Food stamps
- Head Start
- Unemployment
- Social Security retirement
- Worker's compensation
- Tax credits, including EITC
- COVID testing, treatment & vaccine
- Stimulus check
- Section 8 housing
- Student loans
- Others!

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SPEAKER NOTES: Since only a few programs are considered in the public charge test, many programs do NOT count.

For example, many vital programs like Medicaid, CHIP, WIC, food stamps, and housing programs do not count. Earned benefits like unemployment, Social Security retirement, and worker's compensation also do not count. If you're wondering why Medicaid, food stamps, and Section 8 housing are in a different color on the slide, these are programs that briefly DID count for public charge under the Trump rules, but now that these rules aren't in effect, these programs are once again safe to use.

COVID testing, treatment, and vaccinations will not be considered in any public charge test, and pandemic-related aid like P-EBT and COVID stimulus checks also don't count.

Current Public Charge Policy Focuses on the Affidavit of Support



- A contract (called an I-864) turned in by sponsor of immigrant
- Must show income or assets to support immigrant and their own household at 125% of poverty guidelines
- Immigrant may have more than one sponsor to meet the requirements (joint sponsor)
- *An affidavit of support is usually enough to pass the public charge test*

SPEAKER NOTES: As we said earlier, having a sponsor that supports your application for admission or permanent residence, which is called an “affidavit of support” contract, is part of the public charge test.

Current public charge policy emphasizes the importance of the affidavit of support as a factor in the public charge test. Although there are many factors that can affect the outcome of a person’s case, like their age, education and work experience, and their health, having a sufficient affidavit of support is the focus of the public charge test. This means that if a person’s sponsor signs an affidavit of support saying they are financially able and willing to support the person when they are admitted to the United States or become a permanent resident, the person will usually overcome the public charge test.

Covid-19 Pandemic

- Important for people to get the support they need
- Earned benefits like unemployment don't count in public charge
- Tax credits and stimulus checks don't count in public charge
- Most people who are on pathway to green card are not eligible for the benefits that count in public charge test

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SPEAKER NOTES: The COVID-19 public health crisis has been challenging for everyone, including the immigrant community. It has never been more important for people to get the support they need, whether that's enrolling in Medicaid to get healthcare, signing up eligible family members for SNAP, or cashing pandemic relief payments (sometimes called "stimulus checks") or tax credits they may have received from the government. It's also safe for people to access unemployment benefits they may qualify for, since earned benefits do not count for public charge.

Also, most people who will have a public charge test as part of their application for permanent residence or a visa are not eligible to receive the few benefits that count for public charge. If a person is receiving ongoing cash aid from the government, it is likely that the person will not have a public charge test in their future because the person has an immigration status that is not subject to public charge. For example, if the person is receiving CalFresh (the California version of SNAP food stamps), it's probably because the person has an immigration status like asylum, a U visa, or permanent residency.

USCIS, Public Charge, and COVID-19

- Now that Trump rule is over, **ALL Medicaid is safe to use for those eligible, and doesn't count for public charge**
- Also, USCIS issued a statement:
 - COVID-19 testing, treatment, and vaccines will not be considered as part of public charge assessment
 - Can submit statement with application to show how shelter in place orders or closure of place of work impacted income or reliance on public benefits

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SPEAKER NOTES: Just to reiterate, now that the Trump public charge rules aren't in effect, all Medicaid is safe to use for those eligible, and does not count for public charge. It is vital to uplift this information so that folks know they can access healthcare without fear of negative immigration consequences, particularly during the pandemic.

Also, USCIS issued a statement saying that COVID-19 testing, treatment, and vaccines will not be considered as part of the public charge test. USCIS has also said that people who use public benefits because of COVID-related factors like shelter in place orders or employer shutdown can submit a letter to USCIS explaining the situation, and officers will consider that in the public charge test.

Public Benefits, Sponsors, and Applicants

- **Sponsors (USC and LPR family members + joint sponsors)**
 - Can use ANY public benefits they qualify for, even cash aid for income maintenance
 - But cannot count public benefits towards sponsor income to meet 125% of the Federal Poverty Level for I-864
- **Applicants (applying for a visa or green card)**
 - May not want to use public benefits that count, like cash aid for income maintenance, because will negatively affect public charge test
 - But usually don't qualify for benefits that count anyways

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TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

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SPEAKER NOTES: If you are already a lawful permanent resident or a U.S. citizen and you are thinking about sponsoring a family member to immigrate to the United States, there are a few points to keep in mind when it comes to use of public benefits that are different than for people who are subject to a public charge test.

Sponsors can use any public programs they qualify for, even cash aid for income maintenance. This is because they won't have a public charge test in their future. However, if they are sponsoring a family member or acting as a joint sponsor on someone else's immigration application, they can't count any income from public benefits towards their income as a sponsor in order to meet the sponsor income requirements, which is household income of at least 125% of the federal poverty guidelines.

Those who are applying for a visa or green card, on the other hand, may not want to use public benefits that count for the public charge test, like cash aid for income maintenance, because that will negatively affect them if they have a public charge test. But remember, if you're applying for a visa or green card, you probably don't qualify to receive ongoing cash aid anyways.

Key Points

The public charge test only applies to some programs and some immigrants

A family member's use of public programs cannot affect your future immigration applications

COVID-19 testing, treatment, vaccines, and relief payments (stimulus checks) are not part of public charge

The use of health, food assistance, and housing programs cannot be considered in the public charge test

Simply using government benefits does not trigger immigration enforcement against your family

Everyone needs a consultation to understand their legal options, especially before changing benefits enrollment

SPEAKER NOTES: To summarize, here are the key points to know about public charge now.

First, many people do not even have to think about getting off public benefits because public charge doesn't apply to them. It mainly affects people who are applying for permanent residence through a U.S. citizen or permanent resident family member; it doesn't apply to people applying for DACA, TPS, U visas, VAWA, asylum, or to naturalize as U.S. citizens, for example.

Second, the public benefits an applicant's family member receives don't count against the applicant in the applicant's immigration applications. Third, COVID-19 testing, treatment, vaccines, and relief payments are not part of public charge!

Fourth, the use of health, food assistance, and housing programs can't be considered in the public charge test under current policy.

Fifth, public charge is not an immigration enforcement tool. Simply using government benefits you qualify for won't lead to a person being detained or deported.

Lastly, it is important for everyone to talk to a trusted attorney or accredited representative to understand their legal options, especially before changing benefits enrollment. Public charge may not be applicable to you at all, in which case you should apply for available services that could help you and your family.

OCTOBER 2021

SAMPLE AUDIENCE QUESTIONS & ANSWERS

WILL I BE DEPORTED IF I USE PUBLIC BENEFITS?

No. Public charge is a test that is administered when certain immigrants apply for permanent residency (a “green card”), some visas, or entry into the United States. An immigrant must come forward and apply for something before immigration officers apply a public charge test. When you apply for a public benefit at a human or social services agency in your community, the agency does not call ICE! They only use the personal information you share with them to enroll you or your family member in a public benefits program.

AN ATTORNEY TOLD ME THAT I SHOULD DISENROLL MYSELF AND MY CHILDREN FROM PUBLIC BENEFITS IF I WANT TO APPLY FOR A GREEN CARD. IS THAT GOOD ADVICE?

First, if you are applying for a green card and receive a benefit that you think might be a problem, talk to a trusted attorney or DOJ-accredited representative. Most people applying for green cards are not eligible for the benefits included in the public charge test. You might be using a program that does not “count” towards public charge.

Even so, an immigration officer cannot deny your green card application just because you are receiving one or more of the public benefits that count in a public charge test. Officers must evaluate many factors when they are considering whether you are likely to depend on public benefits in the future, including your family’s income and other resources, your age and health condition, and your education and likelihood of being employed. Receiving one or more of the benefits that count is only one part of the public charge test.

IN THE PAST, AN ENROLLMENT WORKER AT MY LOCAL HUMAN SERVICES AGENCY EXPLAINED TO ME THAT I WAS ELIGIBLE FOR MEDI-CAL (CALIFORNIA’S VERSION OF MEDICAID) BECAUSE I AM PRUCOL (“PERMANENTLY RESIDING UNDER COLOR OF LAW”), SO I SIGNED UP. IF I STAY ENROLLED, WILL I BE CONSIDERED A PUBLIC CHARGE?

No. Use of Medi-Cal (and other healthcare programs) does not count in the public charge assessment, except for long-term institutionalization (like in a nursing home) paid for by Medi-Cal. If you are worried that receiving Medi-Cal might affect your eligibility for a green card, talk to an immigration attorney or DOJ- accredited representative.

WILL I BE CONSIDERED A PUBLIC CHARGE IF I USE WIC?

No. The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is not considered in the public charge test.

WILL I HAVE PUBLIC CHARGE PROBLEMS IF MY CHILDREN USE MEDI-CAL?

No. Use of benefits by a family member does not count against an applicant for a green card in the public charge test, if you have one, as long as the benefits are not the sole source of income for the family. Also, Medi-Cal does not count in the public charge test at all.



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WILL I GET DEPORTED IF I GO TO THE EMERGENCY ROOM OR USE EMERGENCY MEDI-CAL?

No. Neither receiving emergency medical services nor using emergency Medi-Cal is considered in the public charge test. Using regular (sometimes called “full scope”) Medi-Cal also is not considered for public charge. Additionally, in general ICE should not be at or around hospitals, health clinics, emergency, urgent care, or other health care facilities. And remember that public charge is a test that is only administered when certain immigrants apply for a green card or entry into the United States. When you seek medical care, whether on an emergency or non-emergency basis, health care providers do not call ICE!

I AM PREGNANT AND AM NOT A U.S. CITIZEN. WILL I HAVE PROBLEMS WITH IMMIGRATION IF I USE MEDI-CAL?

No. First, remember that people who are not applying for a green card through a family member, or for a green card or visa at a U.S. consulate or embassy abroad, do not have to worry about being a public charge at all!

If you apply for a green card through a U.S. citizen or permanent resident family member within the United States or for a green card or visa at a U.S. consulate or embassy abroad and you have a public charge test, the government will not count any Medi-Cal use against you, regardless of whether you used it before, during, or after your pregnancy.

I WAS INJURED ON THE JOB AND I AM RECEIVING PAYMENTS FROM MY EMPLOYER BECAUSE I CANNOT WORK. WILL THIS CAUSE ME PROBLEMS IF I APPLY FOR A GREEN CARD OR TO BECOME A U.S. CITIZEN?

No. Benefits that a person earns through their job, such as workers’ compensation or unemployment benefits, do not count against a person in a public charge test.

WILL I BE CONSIDERED A PUBLIC CHARGE IF I GET HELP FROM A DOMESTIC VIOLENCE SHELTER? FROM A FOOD PANTRY? FROM A CHURCH?

No. Services that are available to the community as a whole, or without an income requirement, will not make a person a public charge.

WILL MY ACCESSING COVID-19 TESTING, TREATMENT, OR VACCINATIONS AFFECT PUBLIC CHARGE?

No! The government has said that it will not consider COVID-19 testing, treatment, or vaccines as part of the public charge test. Also, all health care is safe to use and does not count in the public charge test. In addition, the immigration officer will also consider other factors in a person’s life due to the pandemic, like job loss causing the applicant to use other public benefits, that might impact a public charge decision.

