



Public Charge Rule: What Does This Mean for WIC?

On January 27, the Supreme Court lifted a nationwide injunction that had paused the implementation of the Public Charge rule. The United States Department of Homeland Security will implement this final rule as of February 24, 2020.

The Public Charge test applies to individuals who are seeking legal permanent residency, also known as a Green Card. The final rule broadens the definition of public charge to include a person who uses one or more public benefits, and expands the types of public benefits that would be considered in making a Public Charge determination. Please see the [infographic](#) for all programs **not** impacted by this final rule.

While some public benefit programs such as Cal-Fresh and Medi-Cal are now taken into consideration for the Public Charge, the **WIC program is NOT considered in the public charge test**. WIC continues to serve all individuals and families, including the immigrant population. **Information that clients shared with WIC is ONLY used for eligibility determination.**

The following picture shows the benefit programs that will and will not be affected by the final public charge rule.

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.

We encourage you to speak with a trusted lawyer to better understand the impact of accessing the listed public benefits below in yellow:

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

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.



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 (510) 663-4744
- 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