

Public Charge - Frequently Asked Questions

This document is to assist ADAP and PrEP-AP clients and enrollment workers with questions about public charge.

What is “public charge”?

Public charge is an evaluation (“test”) of an immigrant to determine if they will be dependent on the government for services in the future. To determine if someone is likely to depend on public aid, the following factors will be considered: age, health, family status, assets, resources, financial status, education and skills.

Being HIV+ does not mean that you will be denied admission to the U.S. HIV is not tested for during the required medical exam.

Who is subject to the public charge test?

The public charge test applies to most, but not all, who seek lawful immigration status in the U.S. People **not** subject to the public charge test, include: naturalized citizens, active green card holders (with restrictions – seek legal advice if you need to leave the U.S. for more than 180 days), refugees, asylum-seekers, persons applying for a green card under the Violence Against Women Act, persons seeking U or T visas, or children seeking Special Immigrant Juvenile status.

When does the public charge test apply?

The test applies in two situations: (1) when a person applies to enter the U.S. or (2) when a person applies to adjust their immigration status, such as when seeking a green card. If you do not know your immigration status, you should seek legal advice.

Is ADAP considered as part of the public charge test?

No. Ryan White programs including ADAP are not included and do not count towards public charge determination.

Is PrEP-AP considered as part of the public charge test?

No. Benefits funded entirely by the State of California do not count towards public charge determination. *If you do not know if the benefit you have or are applying for is entirely State-funded, contact the program or seek legal advice.*

More Resources to Assist You:

- **National Immigration Law Center:**
www.nilc.org/issues/economic-support/pubcharge
- **Immigrant Legal Resource Center:**
www.ilrc.org/public-charge
- **California Department of Social Services Legal Resources:**
www.cdss.ca.gov/Benefits-Services/More-Services/Immigration-Services/Immigration-Services-Contractors/Public-Charge-Contact-List
- **Covered California:**
www.coveredca.com/individuals-and-families/getting-covered/immigrants/
- **The California Immigrant Welcome Guide:**
<http://immigrantguide.ca.gov/>

Please Note:

This information is provided as a general summary. Consult an attorney for questions regarding a specific case under the new Federal Regulations.