LACOE’s Immigrant Relations

Supporting Los Angeles County schools with immigration resources to create welcoming learning environments.

CHILDREN’S EDUCATIONAL RIGHTS
In the United States, all children have the right to receive free public education. Regardless of their immigration status (or their families’), students have the right to feel safe and protected from bullying and harassment and schools have to provide all students with equal opportunities.

HOW CAN LACOE HELP?
LACOE’s Immigrant Relations program supports school districts, parents and students with timely Information and responds to schools needs around immigration policies.

We facilitate the navigation of services for immigrant communities in Los Angeles County by creating meaningful connections between nonprofit agencies and schools.

LACOE’s Immigrant Relations program promotes compliance of policies that protect students and their families (AB 699, FERPA, AB 2121, and others) and can provide technical assistance to schools that need help in the implementation of those policies.

FOR MORE INFORMATION
www.lacoe.edu/Home/Immigrant-Relations

Carolina Sheinfeld, Coordinator
562.922.6123 | sheinfeld_carolina@lacoe.edu | District Emergencies: 562.419.5275

FOCUS AREAS
• Unaccompanied Minors Released from ORR & Schools
• Access to Public Resources by Immigrant Families
• Census: Outreach to Hard to Count Communities Through Schools
• Community Schools
• Technical Assistance
• Raids & Effect on Children

Facebook.com/LACOEimrel
Twitter.com/LACOEimrel
Instagram.com/LACOEimrel
Programs like Medicaid, CHIP, Marketplace Coverage (“Obamacare”), School Breakfast & Lunch, WIC and SNAP (“food stamps”) help your children lead healthier and stronger lives. You may have questions about whether your child’s use of these health and nutrition programs will affect your immigration status or your application for a green card. This document provides answers to frequently asked questions to help you make good decisions for your family.

I will have my green card interview in the U.S. If my child receives health or nutrition assistance, will that make it more difficult for me to get a green card? **No.** Health and nutrition benefits your children receive will not count against you in your green card application.* We recommend you continue to enroll your children in benefits programs that they are eligible for. Benefits that you get for your children or other family members are different from benefits that you may receive yourself. Including your name on your child’s application does NOT mean that you have applied for benefits for yourself.

If I apply for benefits for my child, will I have to give information about myself? **Yes, some.** The application requires income information for everyone in your family, even if they are not applying for benefits for themselves. However, you will not have to provide a social security number or information about your immigration status if you are only applying for benefits for your children. You can leave these sections blank.

Will I need to repay the government for benefits used by my U.S. Citizen child? **No.** If your U.S. Citizen child is eligible for and receiving benefits now, your family will not be responsible for repaying those benefits in the future.

Will information that I put on an application for my child be used for immigration enforcement? **No.** Any information you give on the application will be used only to determine your child’s eligibility for the program. This information is not used for immigration enforcement. You should make sure you provide only the information needed and should not provide any false information.

What if I am undocumented? If you are undocumented and applying for your child or another family member, you should not provide any information about your immigration status. Instead you may say or write, “I am not applying for this program for myself.”

I heard that immigrants are no longer allowed to enroll in Medicaid or the ACA marketplace. Is that true? The President issued an order on health insurance but it does not apply to immigrants already in the U.S. who will not have immigration applications processed abroad. People who are eligible to enroll in subsidized coverage through the healthcare marketplace - like healthcare.gov - should not avoid enrollment based on fear of new policies.

**If you or a family member will have a visa or green card application processed outside of the U.S., different rules may apply. We recommend that you talk with an expert for advice on your case before making any decisions about enrolling in health coverage. For free or low-cost options in your area, visit:**

https://www.immigrationadvocates.org/nonprofit/legaldirectory/
Consult with a free or low cost attorney before interrupting your public benefits.

The following legal assistance programs have been funded by the California Department of Social Services Immigration Branch to provide consultations on public charge in the Greater Los Angeles area:

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Website</th>
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<tbody>
<tr>
<td>UFW Foundation</td>
<td>3002 Whittier Blvd., Los Angeles, CA 90023</td>
<td>(323) 264-2700</td>
<td><a href="http://www.ufwfoundation.org">www.ufwfoundation.org</a></td>
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<tr>
<td>Coalition for Humane Immigrant Rights (CHIRLA)</td>
<td>533 W 3rd St #101, Los Angeles, CA 90057</td>
<td>1-888-6CHIRLA,</td>
<td><a href="http://www.chirla.org">www.chirla.org</a></td>
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<tr>
<td>Los Angeles County Bar Association Immigration Legal Assistance Project</td>
<td>1055 West 7th St. Suite 2700 Los Angeles, CA 90017</td>
<td>(213) 627-2727</td>
<td><a href="http://www.lacba.org">www.lacba.org</a></td>
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<tr>
<td>International Institute of Los Angeles</td>
<td>3845 Selig Place, Los Angeles, CA 90031</td>
<td>(323) 224-3800</td>
<td><a href="http://www.iilosangeles.org">www.iilosangeles.org</a></td>
</tr>
<tr>
<td>Episcopal Diocese of Los Angeles - Interfaith Refugee &amp; Immigration Service (IRIS)</td>
<td>3621 Brunswick Ave., Los Angeles, CA 90039</td>
<td>(323) 667-0489</td>
<td><a href="http://www.iris.ladiocese.org">www.iris.ladiocese.org</a></td>
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<tr>
<td>Community Legal Aid SoCal</td>
<td>2101 North Tustin Ave., Santa Ana, CA 92705</td>
<td>(714) 571-5200</td>
<td><a href="http://www.communitylegalsocal.org">www.communitylegalsocal.org</a></td>
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<tr>
<td>International Rescue Committee Los Angeles</td>
<td>625 N Maryland Ave., Glendale, CA 91206</td>
<td>(818) 550-6220</td>
<td><a href="http://www.rescue.org/united-states/los-angeles-ca">www.rescue.org/united-states/los-angeles-ca</a></td>
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<tr>
<td>Asian Americans Advancing Justice - Los Angeles</td>
<td>1145 Wilshire Blvd., 2nd Floor, Los Angeles, CA 90017</td>
<td>(213) 977-7500</td>
<td><a href="https://www.advancingjustice-la.org">https://www.advancingjustice-la.org</a></td>
</tr>
<tr>
<td>Korean Resource Center</td>
<td>900 Crenshaw Blvd #B, Los Angeles, CA 90019</td>
<td>(323) 937-3718</td>
<td><a href="http://www.krcla.org">www.krcla.org</a></td>
</tr>
<tr>
<td>Loyola Immigrant Justice Clinic</td>
<td>919 Albany St, Los Angeles, CA 90015</td>
<td>(213) 252-7409</td>
<td><a href="http://www.lls.edu/lijc">www.lls.edu/lijc</a></td>
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Find more providers through California at:
https://tinyurl.com/OneCaliforniaAttorneys

For additional resources, please go to:

**Protecting Immigrant Families**
https://protectingimmigrantfamilies.org/know-your-rights/

**LACOE Immigrant Relations**
https://www.lacoe.edu/Home/Immigrant-Relations
PUBLIC CHARGE: DOES THIS APPLY TO ME?
UPDATED FEBRUARY 2020

MAKE THE RIGHT CHOICE FOR YOU AND YOUR FAMILY

Public charge does not apply to all immigrants. Every family is different, and the programs that help your family might not be part of new changes to the policy. There are lots of people and organizations that can help you. An immigration attorney familiar with this issue can give you advice based on your specific situation. Local non-profits may also be able to provide help and legal advice.

WHAT IS PUBLIC CHARGE?

Some people who apply for a green card (lawful permanent residence) or a visa to enter the U.S. must pass a “public charge” test – which looks at whether the person is likely to use certain government services in the future. In making this determination, immigration officials review all of a person’s circumstances, including their age, income, health, education or skills (including English language skills), and their sponsor’s affidavit of support or contract. They can also consider whether a person has used certain public programs.

DHS’ new public charge test considers:

- Supplemental Nutrition Assistance Program (SNAP, “EBT” or “Food Stamps”)
- Federal Public Housing and Section 8 assistance
- Medicaid (except for emergency services, children under 21 years, pregnant women, and new mothers)
- Cash assistance programs (like SSI, TANF, General Assistance)

Most people who are subject to the new rule are not eligible for the above listed benefits. Services that are not listed above will not be counted in the public charge test. This includes WIC, CHIP, school lunches, food banks, shelters, state or local health care programs, and many more.

FOR MORE RESOURCES GO TO WWW.PROTECTINGIMMIGRANTFAMILIES.ORG
Are you and your family members U.S. citizens? 
Public charge does NOT apply to you. You should continue to enroll in programs you are eligible for.

Do you and your family members already have green cards? Public charge and any changes under new rules rule WILL NOT affect you when you renew your green card or apply to become a U.S. Citizen. However, if you plan to leave the country for more than 6 months, it is a good idea to talk with an immigration attorney.

Are you applying for or have one of the following statuses? TPS, U or T Visa, Asylum or Refugee status, or Special Immigrant Juvenile Status? The public charge test does NOT apply to all immigrants, including the categories listed here. If you already have or are in the process of applying for one of these immigration statuses, you can continue to use any government programs that you qualify for.

Do you plan to apply for a family-based green card? Only the use of the public programs listed on first page will be considered in the public charge test. Your income, age, health, education, skills, family situation, and sponsor’s affidavit of support will also be considered. You should talk with an expert for advice on your case before making any decisions. For free or low-cost options in your area, go to: https://www.immigrationadvocates.org/nonprofit/legaldirectory/.

FOR MORE RESOURCES GO TO WWW.PROTECTINGIMMIGRANTFAMILIES.ORG
Las personas que solicitan una tarjeta verde (residencia permanente legal) o una visa para ingresar a los EE. UU. deben pasar una prueba de carga pública, que evalúa la probabilidad de que usen ciertos servicios del gobierno en el futuro. Para tomar esta determinación, los funcionarios de inmigración analizan todas las circunstancias de la persona, como la edad, los ingresos, la salud, la educación o las habilidades (incluidas las habilidades en el idioma inglés) y la declaración jurada de apoyo económico o contrato del patrocinador. También pueden considerar si la persona ha usado ciertos programas públicos.

La nueva prueba de carga pública considera lo siguiente:

- Programa de Asistencia Nutricional Suplementaria (SNAP, EBT o cupones de alimentos)
- Asistencia Federal de Viviendas Públicas y Sección 8
- Medicaid (salvo los servicios de emergencia, niños menores de 21 años, mujeres embarazadas y madres de recién nacidos)
- Programas de asistencia en efectivo (como SSI, TANF, Asistencia General)

La mayoría de las personas sujetas a la nueva regla no son elegibles para los beneficios mencionados anteriormente. Los servicios que no se mencionan arriba no se tendrán en cuenta en la prueba de carga pública. Estos incluyen el WIC, el CHIP, los almuerzos escolares, los bancos de alimentos, los refugios, los programas de salud estatales o locales, y muchos más.
¿Usted y los integrantes de su familia son ciudadanos estadounidenses? La carga pública NO se aplica a su caso. Debe continuar con la inscripción en programas para los que cumpla los requisitos.

¿Usted y los integrantes de su familia ya tienen tarjetas verdes? La carga pública NO se aplica cuando renueva la tarjeta verde o se postula para convertirse en ciudadano estadounidense. Sin embargo, si tiene previsto no estar en el país durante más de seis meses, le recomendamos que consulte a un abogado especialista en inmigración.

¿Solicita o ya tiene alguna de las siguientes condiciones de inmigración? Protección provisoria (TPS), visa tipo U o T, refugiado o asilo político, inmigrante especial menor de edad? La carga pública NO se aplica a las personas que solicitan a algunos estatuses de inmigración que se enumeran en este documento. Si ya tiene o está en proceso de solicitar unos de estos estatuses de inmigración, puede continuar en cualquier programa del gobierno se cumple los requisitos.

¿Tienes planes de solicitar una tarjeta verde por medio de un pariente? Es posible que la prueba de carga pública se aplique a su caso. Solo se considerará, en la prueba de carga pública, el uso de los programas públicos mencionados en la primera página. También se considerarán otros aspectos, como ingresos, edad, salud, educación, habilidades, situación familiar y la declaración jurada de apoyo económico del patrocinador. Deberías hablar con un experto sobre su caso antes de tomar una decisión. Para opciones gratuitas o de bajos costos, visite: https://www.immigrationadvocates.org/nonprofit/legaldirectory/.

PARA MÁS RECURSOS, VAYA A WWW.PROTECTINGIMMIGRANTFAMILIES.ORG
**Fight fear with facts.** You have rights in this country no matter where you were born. We encourage you to learn more about your situation before making decisions that may harm you or your family. Get the facts, make a plan, and share this information with others.

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**Most immigrants will not be affected.**

This DHS public charge regulation does not affect all immigrants. Refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, and other “humanitarian” immigrants are not affected. Benefits received when people are in one of these statuses will not be counted against them. Lawful permanent residents (or people with “green cards”) are not affected unless they leave the US for over 180 days and seek to reenter.

**Many public programs are not considered in the public charge test.**

Life-saving food and nutrition programs like WIC, CHIP, school lunches, food banks, shelters, child care assistance, state and locally funded health care, and many more programs are not included in the public charge test.

**Use of public programs does not automatically make you a public charge.**

Immigration officials must look at all your circumstances in determining whether you are likely to become a public charge in the future. This includes your age, health, income, assets, resources, education/skills, family you must support, and family who will support you. Positive factors, like having a job or health insurance, can be weighed against negative factors, like having used certain benefits or having a health condition. Either way, you will have a chance to show why you are not likely to rely on certain benefits in the future.
Benefits used by family members will not count in public charge decisions.

U.S. citizen family members can use the nutrition, food, or housing programs that help them thrive. Benefits that your children receive will not count against you. Benefits that you get for your children or other family members are different from benefits that you may receive yourself. Including your name on your child’s application does NOT mean that you have applied for benefits for yourself.

There are laws protecting the personal information of public benefits applicants and recipients.

Federal and state laws generally protect the privacy of people who apply for or receive health care coverage, nutrition, economic support, or other public benefits. Applications for public programs should not ask for information about the immigration status of people applying to get benefits for another person in their family or the household. Benefit agencies may share information with other government agencies only for purposes of administering their programs, with limited exceptions. You should provide only the information necessary and should never misrepresent anything when completing public benefit applications or dealing with any government agency.

TAKE ACTION!

Get the facts, Make a plan. Information is power! Several resources can help you determine if you might be affected by this regulation. Learn about what this new rule means by visiting [www.KeepYourBenefits.org](http://www.KeepYourBenefits.org) or [https://protectingimmigrantfamilies.org/know-your-rights/](https://protectingimmigrantfamilies.org/know-your-rights/) and work with your lawyer and family to determine how these changes might affect you or your family.

Empower Ourselves. It’s up to us to protect our families and communities. We can all make our voices heard by contacting local, state, and federal officials in charge of creating policies that affect us. If you need free or low-cost legal assistance, find a legal services organization near you at: [https://www.immigrationadvocates.org/legaldirectory/](https://www.immigrationadvocates.org/legaldirectory/).
This guide provides current information regarding federal changes to “public charge” determinations and the use of public benefits. The new policy makes many changes to the way federal immigration officials make decisions about granting individuals entry into the United States, extension of stay, or adjustment to lawful permanent resident status (also known as becoming a green card holder).

EVERY FAMILY IS DIFFERENT, REACH OUT FOR QUALIFIED LEGAL ADVICE.

It is important for concerned individuals and families to know their rights and empower themselves with accurate information to understand whether the rule affects them or not. If you have questions, an immigration or public benefits attorney can give you advice based on the specific facts of your individual situation.

A list of nonprofit organizations qualified to provide assistance to individuals to determine if the new policy will negatively impact them is available on the California Department of Social Services website.

1. NOT all immigrants are subject to a public charge determination.

The rule only applies to a limited number of immigrants. It does NOT apply to Refugees; Asylees; Temporary Protected Status applicants; Special Immigrant Juveniles; asylum applicants; and certain victims of crime, including domestic violence and trafficking, among others. It also does not apply to most lawful permanent residents, unless they leave the United States for over 180 days and seek to reenter.

2. Public benefits accepted by family members are generally NOT considered.

The federal government will consider only public benefits received directly by the person who is applying for the change in status, or if they’re listed as a beneficiary of the benefit. This means that your family members accessing public programs will not be considered as part of your public charge determination.

3. The new policy does NOT change eligibility rules for public benefits programs.

The new policy does not change whether individuals can apply for and receive public benefits. But it does mean that applying for or receiving certain public benefits can make the federal government more likely to deny some non-US citizens entry into the United States or adjustment to lawful permanent resident status (a green card).
UNDERSTANDING THE NEW “PUBLIC CHARGE” POLICY.

Under longstanding federal policy, the federal government may deny a non-US citizen entry into the United States, or adjustment to lawful permanent resident status (a green card), if he or she is determined likely to become a public charge based on the totality of the individual’s circumstances, including various factors in addition to the receipt of public benefits, such as income, age, health, family status, education and skills, financial status, assets, and, when applicable, a sponsor’s affidavit of support.

Last year, the federal government released a new public charge policy that expands the types of public benefits considered alongside other factors. Overall, it will become harder for lower-income immigrants to obtain green cards.

Beginning February 24, 2020, the federal government will begin implementing this new policy. Individuals will be required to disclose their application for or use of certain benefits as part of their immigration application. An immigration attorney can advise what public benefits must be disclosed as part of the processing.

Only certain benefits are considered “public benefits” for purposes of public charge.

If you intend to apply for or receive benefits from the following public programs and intend to apply for a green card, visa, or admission into the United States, consulting with an immigration or public benefits attorney will help you better understand whether those benefits may impact your individual case.

- CalFresh or SNAP
- Medi-Cal or Medicaid*
- In-Home Supportive Services Program
- Federal Public Housing and Section 8 assistance
- Supplemental Security Income
- CalWORKs or TANF cash assistance
- State and local cash assistance programs
- Public assistance for long-term care in an institution

*For more information about the many public benefits that are not considered for purposes of public charge please visit [https://immigrantguide.ca.gov](https://immigrantguide.ca.gov).

CALIFORNIA IS FIGHTING BACK

In response to various legal challenges, including one brought by California, several courts issued opinions preventing the rule from taking effect as the cases proceed. On January 27, 2020, however, the United States Supreme Court issued an opinion allowing the federal government to implement the new “public charge” policy for now (except in the state of Illinois).

The State of California opposes this new policy and will continue to fight it in court. Additionally, California laws that prohibit discrimination based on immigration or citizenship status remain in effect.
Dear parent/guardian:

This letter talks about an immigration law. This law may not apply to you, but we are sending this letter to all families. This way, everyone can stay informed.

Immigration officials do a test when certain people apply to enter or to live in the United States. This test is called Public Charge.

The government started using this new test on February 24, 2020. There is a lot of false information about the change to the test. The rule also does not apply to everyone.

Many families are scared. Some are choosing not to use programs that benefit their children. These programs are important to children’s health.

You need to decide what is best for your family. The first step is to get legal advice from a lawyer. California has a list of lawyers who give free or low cost advice.

Many programs for you or your children will not hurt your immigration case. Children have a right to attend school. Programs that are in the schools will not count against you. These programs include:

- School Nutrition (free and low-cost meals)
- Public Health programs in schools
- Emergency MediCal
- Head Start and State child care programs
- After School Programs
- Tutoring
- MyHealthLA

Public benefits used by children who are U.S. citizens cannot be used against parents.

High school students should keep asking for help with college costs. Financial Aid will not affect the student’s or parent’s immigration case.

It is important to sign up for health insurance for your children now. In California, your children can receive health insurance until they are age 21, without having an impact in their immigration status. Immigrants of all ages can continue to receive insurance in the case of an emergency (Emergency MediCal) or if they are having a baby.

This packet includes handouts from the California Department of Health and Human Services and the Los Angeles County Office of Education.

Contact your school and district office for more information.