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.
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