



Alert

On Nov. 2, 2020, the U.S. District Court for the Northern District of Illinois vacated the Inadmissibility on Public Charge Grounds final rule, 84 Fed. Reg. 41,292 (Aug. 14, 2019), as amended by Inadmissibility on Public Charge Grounds; Correction, 84 Fed. Reg. 52,357 (Oct. 2, 2019) (“Public Charge Final Rule”) nationwide. That decision was stayed by the U.S. Court of Appeals for the Seventh Circuit. On Mar. 9, 2021, the Seventh Circuit lifted its stay and the U.S. District Court for the Northern District of Illinois’ order vacating the Public Charge Final Rule went into effect.

USCIS immediately stopped applying the Public Charge Final Rule to all pending applications and petitions that would have been subject to the rule. USCIS continues to apply the public charge inadmissibility statute, including consideration of the statutory minimum factors in the totality of the circumstances, in accordance with the 1999 [Interim Field Guidance](#) that was in place before the Public Charge Final Rule was implemented on Feb. 24, 2020, to the adjudication of any application for adjustment of status. In addition, USCIS will no longer apply the separate, but related, “public benefits condition” to applications or petitions for extension of nonimmigrant stay and change of nonimmigrant status.

On or after Mar. 9, 2021, applicants and petitioners should not provide information required solely by the Public Charge Final Rule. That means that applicants for adjustment of status should not provide the Form I-944, Declaration of Self-Sufficiency, or any evidence or documentation required on that form with their Form I-485. Applicants and petitioners for extension of nonimmigrant stay and change of nonimmigrant status should not provide information related to the receipt of public benefits on Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3).

If an applicant or petitioner has already provided such information, and USCIS adjudicates the application or petition on or after Mar. 9, 2021, USCIS will not consider any information provided that relates solely to the Public Charge Final Rule, including, for example, information provided on the Form I-944, evidence or documentation submitted with Form I-944, or information on the receipt of public benefits on Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3).

If you received a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) requesting information that is solely required by the Public Charge Final Rule, including but not limited to Form I-944, and your response is due on or after Mar. 9, 2021, you need not provide the information solely required by the Public Charge Final Rule. You do, however, need to respond to the aspects of the RFE or NOID that otherwise pertain to the eligibility for the immigration benefit sought. If USCIS requires additional information or evidence to make a public charge inadmissibility determination under the statute and consistent with the 1999 [Interim Field Guidance](#), it will issue a subsequent RFE or NOID. or information about the relevant court decisions, please see the [litigation summary](#).

USCIS will issue additional guidance regarding the use of affected forms. In the interim, USCIS will not reject any Form I-485 on the basis of the inclusion or exclusion of Form I-944, and will not reject Form I-129, Form I-129CW, Form I-539, or Form I-539A based on whether the public benefits questions (Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3) have been completed or left blank.

Appendix: Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
<p>A-1 - Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family</p> <p>A-2 - Other Foreign Government Official or Employee, or Immediate Family</p> <p>INA 101(a)(15)(A), 22 CFR 41.21</p>	<p>No. Not applicable as admitted for duration of status under 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>
<p>A-3 - Attendant, Servant, or Personal Employee of A-1 or A-2, or Immediate Family</p> <p>INA 101(a)(15)(A), 22 CFR 41.21</p>	<p>Yes. Files Form I-539, per 8 CFR 214.1(c)(2)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>Yes, per INA 102 and 22 CFR 41.21(d)(3)</p>
<p>B-1 - Temporary Visitor for Business</p> <p>B-2 - Temporary Visitor for Pleasure (not admitted under Visa Waiver Program)</p> <p>INA 101(a)(15)(B)</p>	<p>Yes. Files Form I-539, per 8 CFR 214.1(c)(2) and 8 CFR 214.2(b)(1)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>Yes</p>
<p>C-1 - Alien in Transit</p> <p>C-1/D - Combined Transit and Crewmember Visa</p> <p>INA 101(a)(15)(C) and (D), INA 212(d)(8)</p>	<p>No, per 8 CFR 214.1(c)(3)(ii)</p>	<p>No, per 8 CFR 248.2(a)(2), except for change to T and U status, 8 CFR 248.2(b), using Form I-914 or I-918</p>	<p>Not applicable as not eligible for extension of stay or change of status</p>

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Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
C-2 - Alien in Transit to United Nations Headquarters District Under Section 11.(3), (4), or (5) of the Headquarters Agreement INA 101(a)(15)(C) and (D) , INA 212(d)(8)	No. Not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(ii)	No, per 8 CFR 248.2(a)(2) , except for change to T and U status, 8 CFR 248.2(b) , using Form I-914 or I-918	No, per 22 CFR 41.21(d)
C-3 - Foreign Government Official, Immediate Family, Attendant, Servant or Personal Employee, in Transit INA 101(a)(15)(C) and (D) , INA 212(d)(8)	No, per 8 CFR 214.1(c)(3)(ii)	No, per 8 CFR 248.2(a)(2) , except for change to T and U status, 8 CFR 248.2(b) , using Form I-914 or I-918	No, per 22 CFR 41.21(d)
CW-1 - Commonwealth of Northern Mariana Islands Transitional Worker Section 6(d) of Pub. L. 94-241 (March 24, 1976), as added by Section 702(a) of Pub. L. 110-229 (May 8, 2008). 8 CFR 214.2(w)	Yes. Files Form I-129CW, per 8 CFR 214.1(c)(2) and 8 CFR 214.2(w)(17)	Yes. Files Form I-129CW, per 8 CFR 248.1(a) ; 8 CFR 214.2(w)(18)	Yes
CW-2 - Spouse or Child of CW-1	Yes. Files Form I-539, per 8 CFR 214.1(c)(2) and 8 CFR 214.2(w)(17)(v)	Yes. Files Form I-539, per 8 CFR 248.1(a) ; 8 CFR 214.2(w)(18)	Yes
D-1 - Crewmember (Sea or Air) D-2 - Crewmember	No, per 8 CFR 214.1(c)(3)(iii)	No, per 8 CFR 248.2(a)(2) , except for change to T and U status, 8 CFR	Yes

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Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
Departing from a Different Vessel than One of Arrival INA 101(a)(15)(D)		248.2(b) , using Form I-914 or Form I-918	
E-1, E-2 - Treaty Trader (Principal) INA 101(a)(15)(E)	Yes. Files Form I-129, per 8 CFR 214.1(c)(1) ; 8 CFR 214.2(e)(20)	Yes, Files Form I-129, per 8 CFR 248.1(a) and 8 CFR 214.2(e)(21)(i)	Yes
E-1, E-2 - Treaty Trader, Spouse or Child INA 101(a)(15)(E)	Yes. Files Form I-539, per 8 CFR 214.1(c)(2)	Yes. Files Form I-539, per 8 CFR 214.2(e)(21)(ii)	Yes
E-2-CNMI - Commonwealth of Northern Mariana Islands Investor (Principal) Section 6(c) of Pub. L. 94-241 (March 24, 1976), as added by Section 702(a) of Pub. L. 110-229 (May 8, 2008). 8 CFR 214.2(e)(23)	Yes. Files Form I-129, per 8 CFR 214.2(e)(23)(xii)	Yes. Files Form I-129, per 8 CFR 248.1(a) and 8 CFR 214.2(e)(23)(xiii)	Yes
E-2-CNMI - Commonwealth of Northern Mariana Islands Investor, Spouse or Child Section 6(c) of Pub. L. 94-241 (March 24, 1976), as added by Section 702(a) of Pub. L. 110-229 (May 8, 2008). 8 CFR 214.2(e)(23)(x)	Yes. Files Form I-539, per 8 CFR 214.1(c)(2)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes

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Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
E-3 - Australian Treaty Alien Coming to the United States Solely to Perform Services in a Specialty Occupation	Yes. Files Form I-129, per 8 CFR 214.1(c)(1)-(2)	Yes. Files Form I-129, per 8 CFR 248.1(a)	Yes
E-3D - Spouse or Child of E-3 E-3R - Returning E-3 INA 101(a)(15)(E)(iii)	Yes. Files I-539, per 8 CFR 214.1(c)(1)-(2)	Yes. Files I-539, per 8 CFR 248.1(a)	Yes
F-1 - Student in an Academic or Language Training Program (Principal) INA 101(a)(15)(F)	Yes, only if the F-1 requesting reinstatement to F-1 status or if the F-1 received a date-specific admission to attend high school and is now seeking an extension to D/S to attend college. 8 CFR 214.1(c)(3)(v) ; 8 CFR 214.2(f)(7) ; 8 CFR 214.2(f)(16)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes
F-2 - Spouse or Child of F-1 INA 101(a)(15)(F)	No, not applicable as admitted for duration of status. 8 CFR 214.1(c)(3)(v) ; 8 CFR 214.2(f)(3)	Yes. Files Form I-539, per 8 CFR 214.2(f)(3)	Yes
G-1 - Principal Resident Representative of Recognized Foreign	No, not applicable as admitted for	Yes. Files Form I-539, per 8 CFR 248.1(a)	No, per 22 CFR 41.21(d)

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Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
<p>Government to International Organization, Staff, or Immediate Family</p> <p>G-2 - Other Representative of Recognized Foreign Member Government to International Organization, or Immediate Family</p> <p>G-3 - Representative of Nonrecognized or Nonmember Foreign Government to International Organization, or Immediate Family</p> <p>G-4 - International Organization Officer or Employee, or Immediate Family</p> <p>INA 101(a)(15)(G)</p>	<p>duration of status 8 CFR 214.1(c)(3)(v)</p>		
<p>G-5 - Attendant, Servant, or Personal Employee of G-1 through G- 4, or Immediate Family.</p>	<p>Yes. Files Form I-539, per 8 CFR 214.1(c)(2)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>Yes</p>
<p>H-1B - Alien in a Specialty Occupation, Fashion Models of Distinguished Merit and Ability, and</p>	<p>Yes. Files Form I-129, per 8 CFR 214.1(c)(1)</p>	<p>Yes. Files Form I-129, per 8 CFR 248.1(a)</p>	<p>Yes</p>

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Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
<p>workers performing services of exceptional merit and ability relating to a Department of Defense (DOD) cooperative research and development project</p> <p>INA 101(a)(15)(H)(i)(b); Section 222 of Pub. L. 101-649 (November 29, 1990).</p>			
<p>H-1B1 - Chilean or Singaporean National to Work in a Specialty Occupation</p> <p>INA 101(a)(15)(H)(i)(b1)</p>	<p>Yes. Files Form I-129, per 8 CFR 214.1(c)(1)</p>	<p>Yes. Files Form I-129, per 8 CFR 248.1(a)</p>	<p>Yes</p>
<p>H-1C¹ - Nurse in Health Professional Shortage Area</p> <p>INA 101(a)(15)(H)(i)(c)</p>	<p>Yes. Files Form I-129, per 8 CFR 212.2(h)(4)(v)(E)</p>	<p>Yes. Files Form I-129, per 8 CFR 212.2(h)(4)(v)(E)</p>	<p>Yes</p>
<p>H-2A- Temporary Worker Performing Agricultural Services Unavailable in the United States</p> <p>INA 101(a)(15)(H)(ii)(a)</p>	<p>Yes. Files Form I-129, per 8 CFR 214.1(c)(1)</p>	<p>Yes. Files Form I-129</p>	<p>Yes</p>
<p>H-2B - Temporary Worker Performing Other Services Unavailable in the United</p>	<p>Yes. Files Form I-129, per 8 CFR 214.1(c)(1)</p>	<p>Yes. Files Form I-129</p>	<p>Yes</p>

¹ This classification can no longer be sought as of December 20, 2009. See the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, [Pub. L. 109-423](#).

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States INA 101(a)(15)(H)(ii)(b)			
H-3 - Trainee INA 101(a)(15)(H)(iii)	Yes. Files Form I-129, per 8 CFR 214.1(c)(1)	Yes. Files Form I-539	Yes
H-4 - Spouse or Child of Alien Classified H1B/B1/C, H2A/B, or H-3 INA 101(a)(15)(H)(iv)	Yes. Files Form I-539, per 8 CFR 214.1(c)(2)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes
I - Representative of Foreign Information Media, Spouse and Child INA 101(a)(15)(I)	No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)	Yes. Files Form I-539.	Yes
J-1 - Exchange Visitor J-2 - Spouse or Child of J-1 INA 101(a)(15)(J) .	No, not applicable, as generally admitted for duration of status, ² per 8 CFR 214.1(c)(3)(v)	Yes, subject to receiving a waiver of the foreign residence requirement, if necessary, files Form I-539, per 8 CFR 248.2(a)(4) ; may apply for change to T and U status, using for Form I-914 or Form I-918, per 8 CFR 248.2(b)	Yes
K-1 - Fiancé(e) of U.S. Citizen	No, per 8 CFR 214.1(c)(3)(iv)	No, per 8 CFR 248.2(a)(2) , except for change to T and	Not applicable

² J nonimmigrant who are admitted for a specific time period are not eligible for an extension of stay.

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Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
K-2 - Child of Fiancé(e) of U.S. Citizen INA 101(a)(15)(K)		U status, per 8 CFR 248.2(b) , using Form I-914 or Form I-918	
K-3 - Spouse of U.S. Citizen awaiting availability of immigrant visa K-4 - Child of K-3 INA 101(a)(15)(K)	Yes. Files Form I-539, per 8 CFR 214.1(c)(2) and 8 CFR 214.2(k)(10)	No, per 8 CFR 248.2(2) , except for change to T and U status, 8 CFR 248.2(b) , using Form I-914 or I-918	Yes
L-1 - Intracompany Transferee (Executive, Managerial, and Specialized Knowledge Personnel Continuing Employment with International Firm or Corporation) INA 101(a)(15)(L)	Yes. Files Form I-129, per 8 CFR 214.1(c)(1)	Yes. Files Form I-129, per 8 CFR 248.1(a)	Yes
L-2 - Spouse or Child of Intracompany Transferee	Yes. Files Form I-539, per 8 CFR 214.1(c)(1)-(2)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes
M-1 - Vocational Student or Other Nonacademic Student INA 101(a)(15)(M)	Yes. Files Form I-539, per 8 CFR 214.1(c)(2)	Yes. Files Form I-539. Not eligible if requesting F-1 status, per 8 CFR 248.1(c)(1)	Yes
M-2 - Spouse or Child of M-1 INA 101(a)(15)(M)	Yes. Files Form I-539, per 8 CFR 214.1(c)(2)	Yes. Files Form I-539	Yes

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<p>N-8 - Parent of an Alien Classified SK3 (Unmarried Child Employee of International Organization) or SN-3</p> <p>N-9 - Child of N-8 or of SK-1 (Retired Employee International Organization), SK-2 (Spouse), SK-4 (Surviving Spouse), SN-1 (Certain Retired NATO 6 Civilian Employee), SN-2 (Spouse) or SN-4 (Surviving Spouse)</p> <p>INA 101(a)(15)(N)</p>	<p>Yes. Files Form I-539, per 8 CFR 214.1(c)(2)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(e)</p>	<p>Yes</p>
<p>NATO-1 - Principal Permanent Representative of Member State to NATO (including any of its Subsidiary Bodies) Resident in the U.S. and Resident Members of Official Staff; Secretary General, Assistant Secretaries General, and Executive Secretary of NATO; Other Permanent NATO Officials of Similar Rank, or Immediate Family</p>	<p>No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>

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Art. 12, 5 UST 1094; Art. 20, 5 UST 1098.			
<p>NATO-2 - Other Representative of Member State to NATO (including any of its Subsidiary Bodies) including Representatives, Advisers, and Technical Experts of Delegations, or Immediate Family; Dependents of Member of a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement or in Accordance with the provisions of the “Protocol on the Status of International Military Headquarters”; Members of Such a Force if Issued Visas</p> <p>Art. 13, 5 UST 1094; Art. 1, 4 UST 1794; Art. 3, 4 UST 1796.</p>	<p>No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>
<p>NATO-3 - Official Clerical Staff Accompanying Representative of Member State to NATO (including any of its Subsidiary Bodies), or</p>	<p>No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>

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<p>Immediate Family</p> <p>Art. 14, 5 UST 1096.</p>			
<p>NATO-4 - Official of NATO (Other Than Those Classifiable as NATO-1), or Immediate Family</p> <p>Art. 18, 5 UST 1098.</p>	<p>No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>
<p>NATO-5 - Experts, Other Than NATO Officials Classifiable Under NATO-4, Employed in Missions on Behalf of NATO, and their Dependents</p> <p>Art. 21, 5 UST 1100.</p>	<p>No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>
<p>NATO-6 - Member of a Civilian Component Accompanying a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement; Member of a Civilian Component Attached to or Employed by an Allied Headquarters Under the “Protocol on the Status of International Military Headquarters” Set Up Pursuant to the North Atlantic Treaty; and</p>	<p>No, not applicable as admitted for duration of status, per 8 CFR 214.1(c)(3)(v)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No, per INA 102 and 22 CFR 41.21(d)</p>

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their Dependents Art. 1, 4 UST 1794; Art. 3, 5 UST 877.			
NATO-7 - Attendant, Servant, or Personal Employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 Classes, or Immediate Family Arts. 12–20, 5 UST 1094–1098	Yes. Files Form I-539, per 8 CFR 214.2(s)(1)(ii)	Yes. Files Form I-539, per 8 CFR 248.1(a)	No, per INA 102 and 22 CFR 41.21(d)
O-1 - Alien with Extraordinary Ability in Sciences, Arts, Education, Business or Athletics or Extraordinary Achievement in the Motion Picture or Television Industry O-2 - Essential Support Workers Accompanying and Assisting in the Artistic or Athletic Performance by O-1	Yes. Files Form I-129, per 8 CFR 214.1(c)(1)	Yes. Files Form I-129, per 8 CFR 248.1(a)	Yes

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INA 101(a)(15)(O)			
O-3 - Spouse or Child of O-1 or O-2 INA 101(a)(15)(O)	Yes. Files Form I-539, per 8 CFR 214.1(c)(1) and (2)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes
P-1 - Internationally Recognized Athlete or Member of Internationally Recognized Entertainment Group P-2 - Artist or Entertainer in a Reciprocal Exchange Program P-3 - Artist or Entertainer in a Culturally Unique Program INA 101(a)(15)(P) P-1S/P-2S/P-3S – Essential Support Workers 8 CFR 214.2(p)	Yes. Files Form I-129, per 8 CFR 213.1(c)(3)(i)	Yes. Files Form I-129, per 8 CFR 248.1(a)	Yes
P-4 - Spouse or Child of P-1, P-2, or P-3 INA 101(a)(15)(P)	Yes. Files Form I-539, per 8 CFR 214.1(c) (1)-(2)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes

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Q-1 - Participant in an International Cultural Exchange Program INA 101(a)(15)(Q)(i)	Yes. Files Form I-129, per 8 CFR 213.1(c)(3)(i)	Yes. Files Form I-129, per 8 CFR 248.1(a)	Yes
R-1 - Alien in a Religious Occupation INA 101(a)(15)(R)	Yes. Files Form I-129, per 8 CFR 213.1(c)(3)(i)	Yes. Files Form I-129, per 8 CFR 248.1(a)	Yes
R-2 - Spouse or Child of R-1 INA 101(a)(15)(R)	Yes. Files Form I-539, per 8 CFR 214.1(c)(1)-(2)	Yes. Files Form I-539, per 8 CFR 248.1(a)	Yes
S-5 - Certain Aliens Supplying Critical Information Relating to a Criminal Organization or Enterprise S-6 - Certain Aliens Supplying Critical Information Relating to Terrorism S-7 - Qualified Family Member of S-5 or S-6 INA 101(a)(15)(S)	No, per 8 CFR 213.1(c)(3)(vi)	No, per 8 CFR 248.2(2) except for change to T and U status, 8 CFR 248.2(b) , using Form I-914 or Form I-918	Yes
T-1 - Victim of a Severe Form of Trafficking in Persons INA 101(a)(15)(T)	Yes. Files Form I-539, per INA 214(o)(7)(B) , 8 CFR 214.11(l)(1)-(2) , and 8 CFR 214.1(c)(2)	Yes. Files Form I-539, per 8 CFR 248.1(a) .	No

Appendix: Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
<p>T-2 - Spouse of T-1</p> <p>T-3 - Child of T-1</p> <p>T-4 - Parent of T-1 under 21 years of age</p> <p>T-5 - Unmarried Sibling under age 18 of T-1</p> <p>T-6 - Adult or Minor Child of a Derivative Beneficiary of a T-1</p> <p>INA 101(a)(15)(T).</p>	<p>Yes. Files Form I-539, per INA 214(o)(7)(B) and 8 CFR 214.1(c)(2)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No</p>
<p>TN - NAFTA Professional</p>	<p>Yes. Files Form I-129, per 8 CFR 214.1(c)(1)</p>	<p>Yes. Files Form I-129, per 8 CFR 248.1(a)</p>	<p>Yes</p>
<p>TD - Spouse or Child of NAFTA Professional</p>	<p>Yes. Files Form I-539, per 8 CFR 214.1(c)(2)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>Yes</p>
<p>U-1 - Victim of criminal activity</p> <p>U-2 - Spouse of U-1</p> <p>U-3 - Child of U-1</p> <p>U-4 - Parent of U-1 under 21 years of age</p> <p>U-5 - Unmarried Sibling under age 18 of U-1 under 21 years of age</p>	<p>Yes. Files Form I-539, per 8 CFR 214.1(c)(2) and 8 CFR 214.14(g)(2)</p>	<p>Yes. Files Form I-539, per 8 CFR 248.1(a)</p>	<p>No</p>

Appendix: Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
INA 101(a)(15)(U)			
<p>V-1 - Spouse of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa</p> <p>V-2 - Child of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa</p> <p>V-3 - Child of a V-1 or V-2</p> <p>INA 101(a)(15)(V)(i) or INA 101(a)(15)(V)(ii); INA 203(d)</p>	Yes. Files Form I-539, per 8 CFR 214.1(c)(2) and 8 CFR 214.15(g)(3)	Yes. Files Form I-539, per 8 CFR 248.1(a) and 214.15(g)(3)	Yes
<p>W-B - Visa Waiver for Visitor for Business, W-T - Visitor for Pleasure, Visa Waiver Program</p> <p>INA 217</p>	No, per 8 CFR 214.1(c)(3)(i) and 214.1(c)(3)(viii)	No, except for change to T and U status, using Form I-914 or Form I-918, per 8 CFR 248.2(b)	Not applicable
<p>Guam-Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program. Public Law 110-229</p> <p>8 CFR 212.1(g)</p>	No	No, except for change to T and U status, using Form I-914 or Form I-918, per 8 CFR 248.2(b)	Not applicable

Appendix: Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Summary of Nonimmigrant Categories Subject to Public Benefits Condition

Category	Eligible to Apply for Extension of Stay (May File Form I-129 or Form I-539)*	Eligible to Apply for Change of Status (May File Form I-129 or Form I-539)*	Subject to Public Benefits Condition under 8 CFR 214.1(a)(3)(iv) ; 8 CFR 248.1(a) ; 8 CFR 248.1(c)(4)
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* Form I-129/Form I-129CW and Form I-539/Form I-539A contain questions about receipt of public benefits since the time the nonimmigrant status was approved. Whether the alien must file a Form I-129 or a Form I-539 depends on the status the alien is applying to change to or extend. If more than one person is applying using the I-539 application, USCIS requires the applicants to submit the Supplemental Information for Application to Extend/Change Nonimmigrant Status (Form I-539A) in addition, to provide all of the requested information for each additional applicant listed.