



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.



U.S. Citizenship
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Chapter 1 - Purpose and Background

Guidance

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On Sept. 11, 2020, the U.S. Court of Appeals for the Second Circuit issued a decision that allows DHS to resume implementing the [Public Charge Ground of Inadmissibility final rule](#) nationwide, including in New York, Connecticut and Vermont. The decision stays the July 29, 2020, [injunction](#), issued during the coronavirus (COVID-19) pandemic, that prevented DHS from enforcing the public charge final rule during a national health emergency.

Therefore, we will apply the public charge final rule and [related guidance](#) in the USCIS Policy Manual, Volumes [2](#), [8](#) and [12](#), to all applications and petitions postmarked (or submitted electronically) on or after Feb. 24, 2020. If you send your application or petition by commercial courier (for example, UPS, FedEx, or DHL), we will use the date on the courier receipt as the postmark date.

For information about the relevant court decisions, please see the public charge injunction [webpage](#).

A. Purpose

Self-sufficiency is a basic principle of U.S. immigration law and policy.^[1] Aliens coming to the United States should rely on their own capabilities and the resources of their families, their sponsors, and private organizations. Aliens should not depend on public resources to meet their needs.^[2]

In recognition of these principles, Congress provided a specific ground of inadmissibility and implemented other requirements to ensure admission of those aliens who could prove self-sufficiency. Under Section

212(a)(4) of the Immigration and Nationality Act (INA), an applicant who is applying for a visa, admission, or adjustment of status and who is likely at any time to become a public charge, is inadmissible.^[3]

In addition, all family-based and a limited number of employment-based applicants for immigrant visas and adjustment of status are required to submit an Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)), completed by a qualified sponsor.^[4]

B. Background

1. Statutory Provision

Since at least 1882, the United States has denied admission to aliens based on the public charge ground.^[5] The INA of 1952 excluded aliens that, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the government at the time of application for admission, were likely at any time to become public charges.^[6] The government has long interpreted the words “in the opinion of” as evincing the subjective nature of the determination.^[7]

The INA provides that an applicant for a visa, admission, or adjustment of status is inadmissible if he or she is likely at any time to become a public charge.^[8] The public charge ground of inadmissibility, therefore, applies to any alien applying for a visa to come to the United States temporarily or permanently, for admission, or for adjustment of status to that of a lawful permanent resident (LPR).^[9]

The INA does not define public charge. It does, however, specify that consular officers and immigration officers must, at a minimum, consider certain factors when determining if an alien is likely at any time to become a public charge.^[10]

2. Immigration and Receipt of Public Benefits

In 1996, when passing the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA),^[11] Congress reaffirmed self-sufficiency as the basic principle governing welfare and immigration in the United States. Specifically, it reaffirmed that aliens should not depend on public resources, and that the availability of these resources should not constitute an incentive for immigration to the United States.^[12] Through PRWORA, Congress significantly restricted an alien’s eligibility for federal, state, local, and tribal public benefits.^[13]

Additionally, Congress added requirements for certain immigrant categories by creating INA 213A, making a sponsor’s affidavit of support submitted on behalf of an alien legally enforceable^[14] under the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).^[15]

Although Congress significantly restricted aliens’ receipt of public benefits with PRWORA, it permitted “qualified aliens” to remain eligible for some public benefits. In particular, qualified aliens remain eligible for medical and nutritional benefits, including Medicaid and Food Stamps (currently known as Supplemental Nutritional Assistance Program or “SNAP”).^[16] With certain exceptions, aliens who are not qualified aliens^[17] generally are ineligible to receive federal, state, local, or tribal public benefits. Still, some states and localities have funded public benefits, particularly medical and nutrition benefits, for which nonqualified aliens may be eligible.^[18]

Congress chose not to restrict eligibility for certain types of federal benefits, including emergency medical assistance; short-term, in-kind, non-cash emergency disaster relief; and public health assistance related to immunizations and treatment of the symptoms of a communicable disease.^[19]

PRWORA defined the term “State or local public benefit” broadly except where the term encroached upon the definition of federal public benefit.^[20] Under PRWORA, states may enact their own legislation to provide public benefits to certain aliens not lawfully present in the United States.^[21] PRWORA also provided that a state that chooses to follow the federal qualified alien definition in determining aliens’ eligibility for public assistance “shall be considered to have chosen the least restrictive means available for achieving the compelling governmental interest of assuring that aliens be self-reliant in accordance with national immigration policy.”^[22]

While PRWORA allows both qualified aliens and non-qualified aliens to receive certain federal public benefits, Congress did not exempt the receipt of such benefits from consideration for purposes of the public charge inadmissibility determination.^[23] Therefore, even where an alien is eligible to receive public benefits under PRWORA, USCIS may take such receipt into consideration, for purposes of a public charge inadmissibility determination, unless the alien is exempt from the public charge ground of inadmissibility.

3. History of Statutory and Regulatory Changes

Statutory Changes in 1996

With the passage of IIRIRA in 1996,^[24] Congress changed the public charge inadmissibility statute to codify the following minimum factors that must be considered when making public charge inadmissibility determinations:^[25]

- Age;
- Health;
- Family status;
- Assets, resources, and financial status; and
- Education and skills.^[26]

Additionally, with IIRIRA, Congress made the legally enforceable affidavit of support (Affidavit of Support Under Section 213A of the INA ([Form I-864](#))) a requirement for family-sponsored and certain employment-based immigration cases,^[27] and indicated that it may be considered as a factor in the public charge inadmissibility determination.^[28]

In the Conference Report, the committee indicated that the amendments to the INA^[29] were designed to expand the public charge ground of inadmissibility.^[30] The report indicated that self-reliance was one of the fundamental principles of immigration law and aliens should have affidavits of support executed.^[31] Therefore, although an alien may obtain public benefits for which he or she is eligible, the receipt of those benefits may be considered for future public charge inadmissibility determination purposes, unless the alien is exempt from public charge.

1999 Interim Field Guidance

On May 26, 1999, legacy Immigration and Naturalization Service (INS) issued interim guidance entitled, *Field Guidance on Deportability and Inadmissibility on Public Charge Grounds (1999 Interim Field Guidance (PDF))*.^[32] This guidance identified how the agency would determine if a person is likely at any time to become a public charge,^[33] for admission and adjustment of status purposes, and when a person would be deportable^[34] as a public charge.^[35] INS incorporated the policies contained in the 1999 Interim Field Guidance as regulations in a proposed rule issued on May 26, 1999.^[36]

The 1999 Interim Field Guidance defined public charge in its proposed rule to mean “the likelihood of an alien becoming primarily dependent^[37] on the government for subsistence, as demonstrated by either:

- Receipt of public cash assistance for income maintenance; or
- Institutionalization for long-term care at government expense.”

The 1999 Interim Field Guidance is applied to applications postmarked (or, if applicable, submitted electronically) before 12:00 a.m. Eastern Time on February 24, 2020.^[38]

Regulatory Changes in 2019

On August 14, 2019, DHS published the final rule, *Inadmissibility on Public Charge Grounds (PDF)*.^[39] This Policy Manual Part incorporates the final rule and provides corresponding guidance to officers for adjudicating the public charge ground of inadmissibility. The final rule superseded any guidance previously provided as part of the 1999 Interim Field Guidance.^[40]

With the final rule, DHS seeks to better ensure that applicants for admission to the United States and applicants for adjustment of status who are subject to the public charge ground of inadmissibility are self-sufficient. Furthermore, the following congressional policy statements relating to self-sufficiency, immigration, and public benefits inform DHS’s administration of INA 212(a)(4):

- Self-sufficiency has been a basic principle of United States immigration law since this country’s earliest immigration statutes.
- It continues to be the immigration policy of the United States that:
 - Aliens within the Nation’s borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations; and
 - The availability of public benefits not constitute an incentive for immigration to the United States.^[41]

Within this administrative and legislative context, DHS’s view of self-sufficiency is that aliens subject to the public charge ground of inadmissibility must rely on their own capabilities and secure financial support, including from family members and sponsors, rather than seek and receive public benefits to meet their needs.

USCIS is implementing the DHS regulation governing public charge inadmissibility determinations as of 12:00 a.m. Eastern Time on February 24, 2020, and applies to applications and petitions postmarked (or, if applicable, submitted electronically on or after 12:00 a.m. Eastern Time on February 24, 2020).^[42] For applications and petitions that are sent by commercial courier (for example, UPS, FedEx, or DHL), the postmark date is the date reflected on the courier receipt.

4. Public Charge Bond

Historically, bond provisions started with states requiring certain amounts to assure an alien would not become a public charge.^[43] Bond provisions were codified in federal immigration laws in 1903.^[44] The acceptance of a bond posting in consideration of the alien's admission and to assure that he or she will not become a public charge may have had its origin in federal administrative practice earlier than this date. Beginning in 1893, immigration inspectors served on Boards of Special Inquiry that reviewed exclusion cases of aliens who were likely to become public charges because the alien lacked funds or relatives or friends who could provide support.^[45] In these cases, the Board of Special Inquiry usually admitted the alien if someone could post bond or one of the immigrant aid societies would accept responsibility for the alien.

The present language of INA 213 has been in the law without significant variation since 1907.^[46] Under Section 21 of the Immigration Act of 1917, an immigration officer could admit an alien if a suitable bond was posted.^[47] In 1970, Congress amended INA 213 to permit the posting of cash received by the U.S. Department of the Treasury and to eliminate specific references to communicable diseases of public health significance.^[48] Regulations implementing the public charge bond were promulgated in 1964 and 1966.^[49]

With the passage of the IIRIRA in 1996, Congress amended the section by adding a parenthetical that clarified that a bond may be requested in addition to, and not in lieu of, the affidavit of support and the deeming requirement under INA 213A.^[50]

C. Scope

The guidance outlined in this Part G only applies to applications or petitions postmarked (or, if applicable, submitted electronically) on or after February 24, 2020, for which admissibility is required.^[51] For applications and petitions that are sent by commercial courier (for example, UPS, FedEx, DHL), the postmark date is the date reflected on the courier receipt.

Officers must adjudicate applications or petitions postmarked (or, if applicable, submitted electronically) before February 24, 2020, according to the 1999 Interim Field Guidance.^[52]

Public charge bond availability depends on the immigration benefit the applicant is seeking.^[53] This Part G only addresses public charge bonds administered by USCIS for applicants seeking adjustment of status with USCIS.^[54]

D. Legal Authorities

- [INA 212\(a\)\(4\)](#); [8 CFR 212.20-212.23](#) – Public charge inadmissibility
- [INA 213A](#); [8 CFR 213a](#) – Requirements for sponsor's affidavit of support
- [INA 213](#); [8 CFR 213.1](#) – Admission of aliens on giving bond or undertaking; return upon permanent departure; adjustment of status of aliens on submission of a public charge bond
- [8 CFR 103.6](#) – Surety bonds

- [INA 245](#); [8 CFR 245](#); [8 CFR 245.4](#)- Adjustment of status of nonimmigrant to that of person admitted for permanent residence
- [31 U.S.C. 9304-9308](#) – Surety corporations

Footnotes

[¹] See Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), [Pub. L. 104-193 \(PDF\)](#), 110 Stat. 2105, 2260 (Aug. 22, 1996) (codified at [8 U.S.C. 1601](#)).

[²] See [8 U.S.C. 1601](#).

[³] See [INA 212\(a\)\(4\)\(A\)](#).

[⁴] See [INA 212\(a\)\(4\)\(C\) and \(D\)](#).

[⁵] See Sections 1-2 of the Immigration Act of 1882, [22 Stat. 214, 214 \(PDF\)](#) (August 3, 1882). Section 11 of the Immigration Act of 1891, [26 Stat. 1084, 1086 \(PDF\)](#) (March 3, 1891) also provided that an alien who became a public charge within 1 year of arrival in the United States from causes that existed prior to his or her landing, was deemed to be in violation of law, and was to be returned at the expense of the person or persons, vessel, transportation, company or corporation who brought the alien into the United States.

[⁶] See Section 212(a)(15) of the INA of 1952, [Pub. L. 82-414 \(PDF\)](#), 66 Stat. 163, 183 (June 27, 1952).

[⁷] See [Matter of Harutunian \(PDF\)](#), 14 I&N Dec. 583, 588 (Reg. Comm. 1974) (“[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words ‘in the opinion of’ (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review.” (citation omitted)). See [Matter of Martinez-Lopez \(PDF\)](#), 10 I&N Dec. 409, 421 (A.G. 1962) (“[U]nder the statutory language the question for visa purposes seems to depend entirely on the consular officer’s subjective opinion.”). Neither *Harutunian* nor *Martinez-Lopez* specifically limited the general understanding of public charge to only those who are “elderly, unemployed or unsponsored” aliens; these decisions were based on the understanding that Congress intended to exclude those who were unable to support themselves and who received public benefits.

[⁸] See [INA 212\(a\)\(4\)](#).

[⁹] See [INA 212\(a\)\(4\)](#).

[¹⁰] See [INA 212\(a\)\(4\)\(B\)\(i\)](#).

[¹¹] See Title IV of [Pub. L. 104-193 \(PDF\)](#), 110 Stat. 2105, 2260 (August 22, 1996). See [Appendix: Totality of the Circumstances Framework](#) for a complete list of public benefits and eligibility for immigrants.

[¹²] See Title IV of [Pub. L. 104-193 \(PDF\)](#), 110 Stat. 2105, 2260 (August 22, 1996) and [8 U.S.C. 1601](#).

[¹³] See [8 U.S.C. 1601-1646](#), as amended.

[¹⁴] See Section 423(a) of Title IV of [Pub. L. 104-193 \(PDF\)](#), 110 Stat. 2105, 2271 (August 22, 1996). See [8 U.S.C. 1601-1646](#). See [INA 213A](#) and [8 CFR 213a](#).

[^15] See Div. C, Title V of [Pub. L. 104-208 \(PDF\)](#), 110 Stat. 3009, 3009-670 (September 30, 1996).

[^16] Other programs for which certain aliens remain eligible include: Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), the Children's Health Insurance Program (CHIP), and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

[^17] As defined in [8 U.S.C. 1641](#).

[^18] See [Overview of Immigrants Eligible for SNAP, TANF, Medicaid and CHIP](#), U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation (March 2012).

[^19] See [8 U.S.C. 1611\(b\)\(1\)](#). See [66 FR 3613 \(PDF\)](#) (Jan. 16, 2001). See [62 FR 61344 \(PDF\)](#) (Nov. 17, 1997).

[^20] See [8 U.S.C. 1621\(c\)](#).

[^21] See [8 U.S.C. 1621\(d\)](#).

[^22] See [8 U.S.C. 1601\(7\)](#).

[^23] See [INA 212\(a\)\(4\)](#).

[^24] See Division C of [Pub. L. 104-208 \(PDF\)](#), 110 Stat 3009-546 (September 30, 1996).

[^25] See Section 531 of Division C of [Pub. L. 104-208 \(PDF\)](#), 110 Stat. 3009-546, 3009-674 (September 30, 1996) (amending INA 212(a)(4)).

[^26] See [INA 212\(a\)\(4\)\(B\)](#).

[^27] See [INA 212\(a\)\(4\)](#) and [INA 213A](#).

[^28] See [INA 212\(a\)\(4\)\(B\)\(ii\)](#).

[^29] See [INA 212\(a\)\(4\)](#).

[^30] See H.R. Rep. No. 104-828, at 240-41 (1996) (Conf. Rep.). See H.R. Rep. No. 104-469(I), at 143-45 (1996).

[^31] See H.R. Rep. No. 104-828, at 241 (1996) (Conf. Rep.).

[^32] See [64 FR 28689 \(PDF\)](#) (May 26, 1999).

[^33] See [INA 212\(a\)\(4\)](#).

[^34] See [INA 237\(a\)\(5\)](#).

[^35] See [64 FR 28689 \(PDF\)](#) (May 26, 1999).

[^36] See [64 FR 28676 \(PDF\)](#) (May 26, 1999).

[^37] Former INS defined "primarily dependent" as "the majority" or "more than 50 percent."

[^38] However, for applications postmarked (or, if applicable, submitted electronically) on or after February 24, 2020, "if the alien received any included public benefit listed in the 1999 Interim Field

Guidance (cash assistance for income maintenance, including SSI, TANF, and general assistance) before February 24, 2020, DHS will consider those benefits as they would have been considered under the 1999 Interim Field Guidance. In other words, for adjustment of status applications postmarked (or if applicable, submitted electronically) on or after February 24, 2020, an applicant's receipt of any of the benefits listed in the 1999 Interim Field Guidance prior to February 24, 2020, will be treated as a negative factor in the totality of the circumstances, as they were in the 1999 Interim Field Guidance." See [84 FR 41292, 41459 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction).

[^ 39] See [83 FR 51114 \(PDF\)](#) (Oct. 10, 2018) (proposed rule). See [84 FR 41292 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction).

[^ 40] See [84 FR 41292 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction).

[^ 41] See PRWORA, [Pub. L. 104-193 \(PDF\)](#), 110 Stat. 2105 (August 22, 1996), codified in part at [8 U.S.C. 1601](#).

[^ 42] See [83 FR 51114 \(PDF\)](#) (Oct. 10, 2018) (proposed rule). See [84 FR 41292 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction).

[^ 43] See, for example, *Mayor, Aldermen & Commonality of City of N.Y. v. Miln*, 36 U.S. 102 (1837) (upholding a New York statute that required vessel captains to provide certain biographical information about every passenger on the ship and further permitting the mayor to require the captain to provide a surety of not more than \$300 for each noncitizen passenger to indemnify and hold harmless the government from all expenses incurred to financially support the person and the person's children).

[^ 44] See the Immigration Act of 1903, Pub. L. 57-162, 32 Stat. 1213 (March 3, 1903).

[^ 45] See the Immigration Act of 1892, Pub. L. 51-551, 26 Stat. 1084 (March 3, 1891), which created the Office of the Superintendent of Immigration within the Treasury Department. The Superintendent oversaw a new corps of U.S. immigration inspectors stationed at the country's principal ports of entry. See USCIS' web page, [Origins of Federal Immigration Service](#).

[^ 46] See Section 26 of the Act of February 20, 1907, Pub. L. 59-96, 34 Stat. 898, 907.

[^ 47] See Pub. L. 64-301, 39 Stat. 874, 876 (February 5, 1917).

[^ 48] See Immigration and Nationality Act Amendments of 1970, [Pub. L. 91-313 \(PDF\)](#), 84 Stat. 413 (July 10, 1970). See 116 Cong. Rec. S 9957 (daily ed. June 26, 1970).

[^ 49] See [8 CFR 103.6](#) and [8 CFR 213.1](#). See 29 FR 10579 (July 30, 1964). See 31 FR 11713 (Sept., 7, 1966).

[^ 50] See Section 564(f) of Division C of [Pub. L. 104-208 \(PDF\)](#), 110 Stat. 3009-546, 3009-684 (September 30, 1996). The Examinations Handbook included guidance on public charge bond processes and policies in Part VI, at VI-88 through VI-98 (October 1, 1988). After legacy Immigration and Naturalization Service (INS) retired the Examinations Handbook, INS's Operating Instructions provided guidance on the topic at Section 103.6 and 213.1 (November 1997). In 1998, INS removed the Operating Instructions and transferred the parts relating to immigration bonds to the Inspector's Field Manual, Chapter 45. Neither INS nor USCIS appear to have issued new guidance on the topic since that time. With the creation of the Adjudicator's Field Manual (AFM), USCIS incorporated existing public charge bond guidance into Chapter 61.1, but given the affidavit of support, the authority has rarely been exercised since the passage of IIRIRA.

[^51] The date USCIS implemented the rule. See [84 FR 41292 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction). For applications postmarked (or, if applicable, submitted electronically) on or after February 24, 2020, “if the alien received any included public benefit listed in the 1999 Interim Field Guidance (cash assistance for income maintenance, including SSI, TANF, and general assistance) before February 24, 2020, DHS will consider those benefits as they would have been considered under the 1999 Interim Field Guidance. In other words, for adjustment of status applications postmarked (or if applicable, submitted electronically) on or after February 24, 2020, an applicant’s receipt of any of the benefits listed in the 1999 Interim Field Guidance prior to February 24, 2020, will be treated as a negative factor in the totality of the circumstances, as they were in the 1999 Interim Field Guidance.” See [84 FR 41292, 41459 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction).

[^52] See [64 FR 28689 \(PDF\)](#) (May 26, 1999).

[^53] See [INA 213](#).

[^54] See [8 CFR 213.1](#). U.S. Immigration and Customs Enforcement (ICE) administers other types of immigration bonds, such as voluntary departure bonds or appearance bonds. For more information on these types of bonds, [contact ICE](#).

Current as of February 10, 2021
