



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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Part G - Public Charge Ground of Inadmissibility

[Guidance](#)

[Resources \(75\)](#)

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Resources

Legal Authorities

[10 U.S.C. 504\(b\)](#) - Citizenship or residency

[15 U.S.C. 1681](#) - Congressional findings and statement of purpose

[21 U.S.C. 802](#) - Definitions

[21 U.S.C. 841](#) - Prohibited acts A

[22 CFR 40.51](#) - Labor certification

[29 CFR 570](#) - Child labor regulations, orders and statements of interpretation

[29 U.S.C. 213\(c\)](#) - Child labor requirements

[31 U.S.C. 9304-9308](#) - Sureties and surety bonds

[31 U.S.C. 9305](#) - Authority and revocation of authority of surety corporations

[38 U.S.C 1965](#) - Definitions

[42 CFR 34.4](#) - Medical notifications

[42 U.S.C. 1382c \(PDF\)](#) - Definitions

[42 U.S.C. 413](#) - Quarter and quarter of coverage

[42 U.S.C. 416\(l\)](#) - Retirement age

[7 CFR 273](#) - Certification of eligible households

[8 CFR 1.2](#) - Definitions

[8 CFR 1.3](#) - Lawfully present aliens for purposes of applying for Social Security benefits

[8 CFR 1003.14](#) - Jurisdiction and commencement of proceedings

[8 CFR 1003.1](#) - Organization, jurisdiction, and powers of the Board of Immigration Appeals

[8 CFR 103.6](#) - Surety bonds

[8 CFR 204.5](#) - Petitions for employment-based immigrants

[8 CFR 212.20-212.23](#) - Applicability of public charge inadmissibility; Definitions; Public charge determination; Exemptions and waivers for the public charge ground of inadmissibility

[8 CFR 212.21\(b\)](#) - Public Benefits

[8 CFR 212.4](#) - Applications for the exercise of discretion under section 212(d)(1) and 212(d)(3)

[8 CFR 213.1](#) - Admission under bond or cash deposit

[8 CFR 213a](#) - Affidavits of support on behalf of immigrants

[8 CFR 214.2](#) - Special requirements for admission, extension, and maintenance of status

[8 CFR 214.2](#) - Special requirements for admission, extension, and maintenance of status

[8 CFR 235](#) - Inspection of persons applying for admission

[8 CFR 245.11](#) - Adjustment of aliens in S nonimmigrant classification

[8 CFR 292](#) - Representation and appearances

[8 CFR 293.1](#) - Computation of interest

[8 U.S.C. 1363](#) - Deposit of and interest on cash received to secure immigration bonds

[8 U.S.C. 1601-1646](#) - Restricting welfare and public benefits for aliens

[8 U.S.C. 1611 \(PDF\)](#) - Aliens who are not qualified aliens ineligible for Federal public benefits

[8 U.S.C. 1612 \(PDF\)](#) - Limited eligibility of qualified aliens for certain Federal programs

[8 U.S.C. 1613 \(PDF\)](#) - Five-year limited eligibility of qualified aliens for Federal means-tested public benefit

[8 U.S.C. 1641 \(PDF\)](#) - Definitions

[*Final Specification of Community Programs Necessary For Protection Of Life Or Safety Under Welfare Reform Legislation*](#), 66 FR 3613 (Jan. 16, 2001) (Final rule)

[INA 101](#) - Definitions

[INA 101\(a\)\(15\)](#) - Nonimmigrant classifications

[INA 201](#) - Worldwide level of immigration

[INA 203](#) - Allocation of immigrant visas

[INA 208](#) - Asylum

[INA 212\(a\)\(4\)](#) - Public charge

[INA 212\(d\)](#) - Temporary admission of nonimmigrants

[INA 213](#) - Admission of certain aliens on giving bond or undertaking; return upon permanent departure

[INA 235](#) - Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing

[INA 237\(a\)\(5\)](#) - Public charge (deportable aliens)

[INA 239](#), [8 CFR 239](#) - Initiation of removal proceedings

[INA 245\(j\)](#) - Adjustment to permanent resident status

[INA 248](#), [8 CFR 248](#) - Change of nonimmigrant classification

[INA 289](#) - Application to American Indians born in Canada

[Inadmissibility on Public Charge Grounds](#), 84 FR 41292 (Aug. 14, 2019) (Final rule)

[Pub. L. 104-193 \(PDF\)](#) - Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

[Pub. L. 104-208 \(PDF\)](#) - Illegal Immigration Reform and Immigrant Responsibility Act of 1996

[Pub. L. 106-395 \(PDF\)](#) - Child Citizenship Act of 2000

[Pub. L. 111-293 \(PDF\)](#) - Help Haitian Adoptees Immediately to Integrate Act of 2010

[Pub. L. 111-8 \(PDF\)](#) - Section 602(b), Title VI of the Afghan Allies Protection Act of 2009

[Pub. L. 113-4 \(PDF\)](#) - 127 Stat 54 of the Violence Against Women Reauthorization Act of 2013

[Pub. L. 89-732 \(PDF\)](#) - Cuban Refugees Adjustment of Status

Section 11, [26 Stat 1084 \(PDF\)](#), of the Immigration Act of 1891

Section 212(a)(15), [66 Stat 163 \(PDF\)](#), 183 of the Immigration and Nationality Act of 1952

Forms

[G-28, Notice of Entry of Appearance as Attorney or Accredited Representative](#)

[I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker](#)

[I-130, Petition for Alien Relative](#)

[I-134, Affidavit of Support](#)

[I-356, Request for Cancellation of the Public Charge Bond](#)

[I-539A, Supplemental Information for Application to Extend/Change Nonimmigrant Status](#)

[I-864, Affidavit of Support Under Section 213A of the INA](#)

[I-864A, Contract Between Sponsor and Household Member](#)

[I-864EZ, Affidavit of Support Under Section 213A of the INA](#)

[I-944, Declaration of Self-Sufficiency](#)

[I-945, Public Charge Bond](#)

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- [Chapter 17 - Adjudicating Public Charge Inadmissibility](#)
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- [Chapter 19 - Public Charge Bonds: Posting and Accepting Bonds](#)
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Current as of February 10, 2021
