



**U.S. Citizenship and
Immigration Services**

USCIS Policy Manual

Current as of June 16, 2020

Volume 8 - Admissibility

Part G - Public Charge Ground of Inadmissibility

Chapter 10 - Public Benefits

ALERT: This policy guidance applies to all applicants and petitioners as of February 24, 2020. (The Supreme Court of the United States stayed the last nationwide injunction of the Inadmissibility on Public Charge Grounds Final Rule on January 27, 2020 and stayed the statewide injunction in Illinois on February 21, 2020.) Certain classes of aliens are exempt from the public charge ground of inadmissibility (such as refugees, asylees, certain VAWA self-petitioners, U petitioners, and T applicants) and therefore, are not subject to the final rule. For more information about the classes of aliens who are exempt from the Final Rule, click [here](#).

As part of the assets, resources, and financial status factor, public benefits are considered in the following ways:

- Whether the applicant has applied for public benefits;
- Whether the applicant has been certified or approved to receive public benefits;
- Whether the applicant has received public benefits; and
- If the applicant submits relevant evidence, whether he or she is eligible for the public benefits based on income or immigration status.

A. Public Benefits Considered

1. Enumerated Public Benefits

As part of the public charge inadmissibility determination, USCIS considers both cash and noncash benefits including:

- Any federal, state, local, or tribal cash assistance for income maintenance such as:^[1]
 - Supplemental Security Income (SSI);^[2]
 - Temporary Assistance for Needy Families (TANF)^[3] which may be provided under another state name;
 - Federal, state, or local cash benefit programs for income maintenance (often called “General Assistance” in the state context, but which may exist under other names);

- Supplemental Nutrition Assistance Program (SNAP);^[4]
- Medicaid (with some exceptions);^[5] federally funded Medicaid may also be provided under a state name;
- Section 8 Housing Assistance under the Housing Choice Voucher Program;^[6]
- Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation);^[7] and
- Housing under the Housing Act of 1937.^[8]

Federal Public Benefits Used Under other Names

Some federal public benefits, as listed above, may be listed under other names depending on the state. These federal public benefits are considered in the public charge inadmissibility determination.

For example:

- Cal-Fresh is the federally funded SNAP program under the State of California.
- Medi-Cal is how the State of California delivers Medicaid to its residents.

However, a state medical insurance program, funded exclusively by the state, is not included in the definition of public benefit and is not considered as a public benefit in the public charge inadmissibility determination.

For example, some Medi-Cal services are provided to aliens under a state-only authority at no expense to the federal government.

If Medi-Cal is provided to the alien under a state-only authority at no expense to the federal government, it is not considered in the public charge inadmissibility determination.

To the extent that states give the same name to their Federal Medicaid program and the state-only funded health insurance program, aliens are not required to report the receipt of the state-only funded health insurance. However, if Medicaid is listed on the Form I-944 as a received public benefit receipt, it is the burden of the applicant to provide information and documentation that the health insurance is state funded only. USCIS assumes that any Medicaid identified on the Form I-944 is federally-funded Medicaid.

2. Federal, State, Local, and Tribal Cash Benefits

In addition to the cash benefits for income maintenance identified in the rule (SSI, TANF and GA), USCIS considers any other federal, state, and local tribal cash assistance for income maintenance (other than tax credits).

In order to be considered a cash assistance for income maintenance, it must be:

- Cash or cash equivalent (such as a debit card or check);
- For a non-specific purpose in which the cash or cash equivalent may be used for food and nutrition, housing, or healthcare;
- Means-tested (requirement based on income threshold); and

- Not otherwise excluded under the rule or this chapter.

The cash benefit is considered even if the public benefit was only state-funded.

Cash assistance for income maintenance is considered a public benefit for purposes of the public charge inadmissibility determination even if the funding is provided by the state unless it is provided to persons not subject to public charge.

Examples of state, local, and tribal cash assistance that are considered for income maintenance for purposes of the public charge inadmissibility determination include, but are not limited to:

- CA Cash Assistance Program for Immigrants (CAPI); ^[9]
- NY Temporary Assistance (including Family Assistance (FA) and Safety Net Assistance (SNA)); ^[10]
- FL Temporary Cash Assistance (TCA); ^[11]
- LA Family Independence Temporary Assistance (FITAP); ^[12]
- MA Economic Assistance including Transitional Aid to Families with Dependent Children (TAFDC), Emergency Aid to the Elderly, Disabled, and Children (EAEDC), and the State Supplement Program (SSP) (cash benefits); ^[13]
- IL Aid to Aged, Blind and Disabled (AABD), IL Cash Assistance; ^[14] and
- WA Aged, Blind or Disabled Cash Assistance Program; ^[15] WA Consolidated Emergency Assistance Program; ^[16] WA Pregnant Women Assistance; WA Diversion Cash Assistance; and WA State Supplemental Payment.

Examples of federal, state, local, and tribal provided cash or cash equivalent benefits that are not considered cash assistance for income maintenance include, but are not limited to:

- Cash benefits provided to persons not subject to the public charge ground of inadmissibility such as Refugee Cash Assistance;
- Low Income Home Energy Assistance Program (LIHEAP) and other energy assistance programs that are directly paid to the creditor;
- Weatherization Assistance Program (WAP);
- CNMI Nutrition Assistance Program (NAP); ^[17]
- Transportation related assistance that is directly paid to the creditor;
- Cash emergency disaster relief - Stafford Act disaster assistance including financial assistance provided to persons and households under the Federal Emergency Management Agency's Individuals and Households Program and any comparable disaster assistance provided by State, local, or tribal governments; ^[18] and

- Any cash benefit provided by the Department of Veteran’s Affairs or other federal or state, local, or tribal benefit provided based on veteran status.^[19]

In addition, USCIS does not consider any tax-related cash benefit including:

- Earned Income Tax Credit (EITC);
- Additional Child Tax Credit (ACTC);
- Premium Tax Credit (PTC);
- Advance Payment of Premium Tax Credit (APTC); and
- State, local, or tribal tax credits.

B. Public Benefits Not Considered

1. Unenumerated Public Benefits

The following is a non-exhaustive list of public benefits that USCIS does not consider in the public charge inadmissibility determination as they are considered earned benefits:^[20]

- Federal Old-Age, Survivors, and Disability Insurance Social Security benefits (SSDI);
- Social Security;
- Veteran’s benefits including but not limited to HUD-VASH, and medical treatment through the Veteran’s Health Administration;
- Government (including federal and state) pension benefits and healthcare;
- Unemployment benefits;
- Worker’s compensation;
- Medicare; or
- Federal and state disability insurance.

Other benefits not considered public benefits in the public charge inadmissibility determination include, but are not limited to:

- Any services provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act);^[21]

- Benefits under the Emergency Food Assistance Act (TEFAP);^[22]
- Child and Adult Care Food Program (CACFP);
- Food Distribution Program on Indian Reservations (FDPIR);
- Short-term, non-cash, in-kind emergency disaster relief;
- Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) provided by local communities or through public or private nonprofit organizations;
- Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;
- Attending public school;
- Benefits through school lunch or other supplemental nutrition programs including:
 - Benefits through the Child Nutrition Act;^[23]
 - Benefits from the National School Lunch Act;^[24]
- Summer Food Service program;
- Child care related services including the Child Care and Development Block Grant Program (CCDBGP);^[25]
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);^[26]
- Children's Health Insurance Program (CHIP) and State Children's Health Insurance Program (SCHIP);^[27]
- Health Insurance through the Affordable Care Act;
- Tax Credits;
- Transportation vouchers or other non-cash transportation services;
- Housing assistance under the McKinney-Vento Homeless Assistance Act;^[28]
- Energy benefits such as the Low Income Home Energy Assistance Program (LIHEAP);^[29]
- Educational benefits, including, but not limited to, benefits under the Head Start Act;^[30]

- Student loans and home mortgage loan programs; and
- Foster care and adoption benefits.

As there are multiple federal and state public benefits programs, USCIS is unable to list all programs not included within the public charge inadmissibility determination.

2. Medicaid Exclusion

USCIS does not consider the following Medicaid^[31] benefits for purposes of the public charge inadmissibility determination:

- Benefits paid for an emergency medical condition;^[32]
- Services or benefits funded by Medicaid but provided under the Individuals with Disabilities Education Act (IDEA);^[33]
- School-based benefits provided to children who are at or below the oldest age of children eligible for secondary education as determined under State law;
- Benefits received by an applicant under the age of 21; and
- Benefits received by a pregnant applicant, including the period during the pregnancy and 60 days after the end of the pregnancy.

Emergency Medical Condition

"Emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part."^[34] States determine whether an illness or injury is an "emergency medical condition" and provide payment to the healthcare provider as appropriate. "Emergency medical services" are often involuntary and must be provided by doctors and hospitals regardless of the ability to pay,^[35] such as medical services at a hospital after a car accident.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) sets apart treatment for emergency medical conditions and makes funds available for the reimbursement of states regardless of an alien's immigration status, and regardless of whether or not an alien would be subject to public charge ground of inadmissibility^[36] or other grounds of inadmissibility.^[37] Congress intended that PRWORA exceptions be applied generally, and treatment of emergency medical conditions in particular, be narrowly construed. To qualify for emergency medical condition exclusion, medical conditions must be of an emergency nature, such as:

- Medical treatment administered in an emergency room;
- Critical care unit or intensive care unit;
- Pre-natal or delivery care assistance; or
- Treatment for mental health in which the alien's condition is such that he is a danger to himself or to others and has therefore been judged incompetent by a court of appropriate jurisdiction.^[38]

Depending on the state, and the medical condition, categorization as an "emergency medical condition" for purposes of Medicaid reimbursement may not be limited to hospital emergency room visits as defined by state case law. This may depend on the state which provided the emergency medical care. The applicants must provide information from the state indicating that the medical condition and use of the public benefit was for an emergency medical condition. The following are examples of how states have categorized conditions as emergency medical condition.

The following are examples of states determining whether the Medicaid is provided for an emergency medical condition:

- Connecticut included leukemia that had “reached a crisis stage” and required “immediate medical treatment, without which the patient's physical well-being would likely be put in jeopardy or serious physical impairment or dysfunction would result.”^[39] However, permanent dialysis treatment was not an “emergency medical condition.”^[40]
- North Carolina indicated that acute lymphocytic leukemia was not an “emergency medical condition” where there was nothing to indicate that the prolonged chemotherapy treatments must have been “immediate” to prevent placing the alien’s health in serious jeopardy, or causing serious impairment or dysfunction.^[41]
- North Carolina included continued medical services for a cancer patient who underwent surgery after presenting at a hospital’s emergency room with weakness and numbness in the lower extremities.^[42]
- In the Second Circuit, aliens who suffered serious traumatic head injuries initially satisfied the definition of emergency medical treatment, but the subsequent continuous and regimented care did not constitute emergency medical treatment pursuant to the statute.^[43]
- Arizona included rehabilitative type ward after initial injury as an emergency medical condition.^[44]
- Pennsylvania excluded care from rehabilitation and health care centers from being considered as part of emergency medical condition treatment even though the alien could eventually suffer another stroke or other medical problem; coverage was not being sought for an acute condition, but for long term or open-ended nursing care.^[45]

Individuals with Disabilities Education Act^[46] and School-Based Benefits

USCIS does not consider the Individuals with Disabilities Education Act (IDEA)^[47] and school-based benefits provided to children who are at or below the oldest age of children eligible for secondary education as determined under state law as public benefits in the public charge inadmissibility determination. Parents provide consent for school districts to release personally identifiable information to a state public insurance program (for example, Medicaid) for billing purposes. The applicant would submit such consent document or documentation from the school to identify the Medicaid benefit as provided under the IDEA or other school-based benefit.

Aliens under the Age of 21 and Pregnant Women

Congress, through Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA),^[48] expanded the Medicaid coverage for children and pregnant women who are lawfully residing in the United States, including those within their first 5 years of having certain legal status.

For public charge inadmissibility purposes, USCIS does not consider receipt of Medicaid by children under 21 and pregnant women during pregnancy and 60 days following pregnancy.

3. Children Acquiring Citizenship

For public charge inadmissibility purposes, USCIS does not consider any public benefits received by:

- Children of U.S. citizens whose lawful admission for permanent residence and subsequent residence in the legal and physical custody of their U.S. citizen parent will result automatically in the child's acquisition of citizenship, upon meeting the eligibility criteria for acquisition of citizenship;^[49] or
- Children of U.S. citizens whose lawful admission for permanent residence will result automatically in the child's acquisition of citizenship upon finalization of adoption (if the child satisfies the requirements applicable to adopted children)^[50] in the United States by the U.S. citizen parent(s), upon meeting the eligibility criteria for acquisition of citizenship;^[51] or
- Children, residing outside the United States, of U.S. citizens who are entering the United States for the purpose of attending an interview.^[52]

4. Benefits Received by Members of the U.S. Armed Forces and their Spouses and Children

Alien military service members and their families are subject to the public charge inadmissibility determination. However, USCIS does not consider any public benefit received by a person enlisted in the U.S. armed forces,^[53] or serving in active duty or in the Ready Reserve component of the U.S. armed forces in the public charge inadmissibility determination. In addition, public benefits received by the spouse or child of a service member^[54] are not considered a public benefit in the public charge inadmissibility determination. This is applicable regardless of the service member's immigration status.

5. State Non-Cash Benefits

USCIS does not consider any state funded non-cash benefit which may include health insurance, or social services programs as public benefits to be considered within the public charge inadmissibility determination. For example, the following public benefit would not be considered in the public charge inadmissibility determination:

- Washington State Alien Emergency Medical Program

Footnotes

1. [^] See Subsection 2, Federal, State, Local, and Tribal Cash Benefits [8 USCIS-PM G.10(A)(2)].
2. [^] See 42 U.S.C. 1381 et seq.
3. [^] See 42 U.S.C. 601 et seq.
4. [^] Formerly called "Food Stamps." See 7 U.S.C. 2011-2036c.
5. [^] See 42 U.S.C. 1396 et seq. For information on state Medicaid services, see CMS State Resource Map.
6. [^] As administered by HUD under 24 CFR 984. See 42 U.S.C. 1437f and 1437u.
7. [^] See 24 CFR 5, 24 CFR 402, 24 CFR 880-884, and 24 CFR 886.
8. [^] See 42 U.S.C. 1437 et seq.
9. [^] CAPI is designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSA solely due to their immigrant status.
10. [^] FA provides cash assistance, under TANF, to eligible needy families that include a minor child living with a parent (including families where both parents are in the household) or a caretaker relative. SNA provides cash assistance to eligible needy persons and families who are not eligible for FA.

11. [^] Cash assistance is limited to a lifetime total of 48 months for adults.
12. [^] FITAP provides cash assistance to families with children when the financial resources of the family are insufficient to meet subsistence needs.
13. [^] The benefits include 2 monthly payments, health insurance, and employment support.
14. [^] This program is for people who are elderly, blind, or have a disability and need money, and the use of the cash assistance is not restricted. This program may also provide medical assistance, but only the cash assistance would be considered in the public charge inadmissibility determination.
15. [^] ABD is a state funded program that provides cash assistance and a referral to the Housing and Essential Needs (HEN) program to eligible low-income persons who are age 65 or older, blind, or determined likely to meet Supplemental Security Income (SSI) disability criteria based on an impairment(s) expected to last at least 12 consecutive months. The use of the cash assistance is not restricted.
16. [^] This is a cash program available to families or pregnant women who face an emergency and do not have the money to meet their basic needs, including families whose TANF cash assistance has been terminated. The use of the benefit is not restricted.
17. [^] Although NAP is a means-tested benefit for food, its use is limited through the use of coupons.
18. [^] See 42 U.S.C. 5174.
19. [^] See 83 FR 51114, 51174 (PDF) (Oct. 10, 2018) (proposed rule). See 84 FR 41292, 41379 (PDF) (Aug. 14, 2019) (final rule), as amended by 84 FR 52357 (PDF) (Oct. 2, 2019) (final rule; correction) (“Likewise, under this rule, DHS would consider such benefits as part of long-term institutionalization at Government expense and did not intend to consider other benefits that may be used such as Social Security retirement benefits, SSDI, Medicare or veteran’s benefits. Social Security retirement benefits, SSDI, Medicare and veteran’s benefits are considered earned benefits in that individuals pay into the programs as part of their employment and must work for a certain period of time before being eligible.”).
20. [^] See 83 FR 51114, 51189 (PDF) (Oct. 10, 2018) (proposed rule).
21. [^] See Pub. L. 100-707 (PDF) (November 23, 1988).
22. [^] See 7 U.S.C. 7501-7517.
23. [^] See 42 U.S.C. 1771-1793.
24. [^] See 42 U.S.C. 1751-1769j.
25. [^] See 42 U.S.C. 9858-9858q.
26. [^] See 42 U.S.C. 1786.
27. [^] See 42 U.S.C. 1397aa-1397mm.
28. [^] See 42 U.S.C. 11431.
29. [^] See 42 U.S.C. 8621-8630.
30. [^] See Pub. L. 110-134 (PDF) (December 12, 2007).
31. [^] Medicaid received by members of the U.S. armed forces and their spouses and children is also not considered. See Subsection 4, Benefits Received by Member of the U.S. Armed Forces and their Spouses and Children [8 USCIS-PM G.10(B)(4)].
32. [^] As described in Section 1903(v) of Title XIX of the Social Security Act, 42 U.S.C. 1396b(v). See 42 CFR 440.255(c).
33. [^] See 20 U.S.C. 1400 et seq.
34. [^] See 42 U.S.C. 1396b(v). See 42 CFR 440.255(c).
35. [^] See Emergency Medical Treatment & Labor Act (EMTALA), 42 U.S.C. 1395dd.

36. [^] See [INA 212\(a\)\(4\)](#).
37. [^] H.R. Rep. No. 104-469 (VI), at 263-64 (1996) (“This section provides that sections 601 and 602 shall not apply to the provision of emergency medical services, public health immunizations, short-term emergency relief, school lunch programs, child nutrition programs, and family violence services. Section 601 restricted unauthorized aliens from receiving public assistance, contracts, and licenses, and section 602 made unauthorized aliens ineligible for employment benefits.”)
38. [^] H.R. Rept. 104-469 (VI), at 264-65 (1996). This report also discusses treatment of communicable diseases and indicates that such treatment is intended “to only apply where absolutely necessary to prevent the spread of such diseases. This is only a short term measure until the deportation of an alien who is unlawfully present in the U.S. It is not intended to provide authority for continued long-term treatment of such diseases as a means for illegal aliens to delay their removal from the country.”
39. [^] See *Szewczyk v. Department of Social Services*, 881 A.2d 259, 273 (Conn. 2005) (quoting *Greenery Rehab. Grp., Inc. v. Hammon*, 150 F.3d 226, 233 (2nd Cir. 1998)).
40. [^] See *Quiceno v. Dep't of Soc. Servs.*, 728 A.2d 553, 554 (Conn. Super. Ct. 1999).
41. [^] See *Diaz v. Division of Social Services and Div. of Medical Assistance*, North Carolina Dept. of Health and Human Services 628 S.E.2d 1, 5 (N.C. 2006).
42. [^] See *Luna ex rel. Johnson v. Div. of Soc. Servs.*, 589 S.E.2d 917, 920 (N.C. 2004)
43. [^] See *Greenery Rehab. Grp., Inc. v. Hammon*, 150 F.3d 226, 233 (2nd Cir. 1998).
44. [^] See *Scottsdale Healthcare, Inc. v. Ariz. Health Care Cost Containment Sys. Admin.*, 75 P.3d 91, 98 (Ariz. 2003).
45. [^] See *Spring Creek Mgmt., L.P. v. Dep't of Pub. Welfare*, 45 A.3d 474, 483-84 (Pa. Commw. Ct. 2012).
46. [^] See [20 U.S.C. 1400-1482](#).
47. [^] IDEA protects educational opportunities for all students with disabilities and requires schools to provide certain services to all children with disabilities. States and school districts may bill and receive reimbursement for the cost of providing special education and health care related services from a State’s public insurance program (for example, Medicaid). Benefits or services under these laws generally are not based on income eligibility, and where a reimbursement is available, it is provided to the school or eligible entity.
48. [^] See [Pub. L. 111-3 \(PDF\)](#) (February 4, 2009).
49. [^] See [INA 320\(a\)-\(b\)](#), [8 CFR 320](#). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309) [[12 USCIS-PM H.3](#)] and Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [[12 USCIS-PM H.4](#)].
50. [^] See [INA 101\(b\)\(1\)](#).
51. [^] See [INA 320\(a\)-\(b\)](#), [8 CFR 320](#).
52. [^] See [INA 322](#) and [8 CFR 322](#). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322) [[12 USCIS-PM H.5](#)].
53. [^] Enlisted under [10 U.S.C. 504\(b\)\(1\)\(B\)](#) or [10 U.S.C. 504\(b\)\(2\)](#).
54. [^] The service member may be a U.S. citizen or national. See [INA 101\(b\)](#).

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 - 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 - Aliens who are not qualified aliens ineligible for Federal public benefits

8 U.S.C. 1612 - Limited eligibility of qualified aliens for certain Federal programs

8 U.S.C. 1613 - Five-year limited eligibility of qualified aliens for Federal means-tested public benefit

8 U.S.C. 1641 - 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](#) - Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

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

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

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

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

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

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

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

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

Sections 1-2, [22 Stat 214](#) of the Immigration Act of 1882

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](#)

Appendices

Applicability of INA 212(a)(4) to Employment-Based Adjustment of Status Applications

Appendix: Applicability of INA 212(a)(4) to Employment-Based Adjustment of Status Applications

[Appendix: Applicability of INA 212\(a\)\(4\) to Employment-Based Adjustment of Status Applications](#)

Applicability of INA 212(a)(4) to Family-Based Adjustment of Status Applications

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[Appendix: Applicability of INA 212\(a\)\(4\) to Family-Based Adjustment of Status Applications](#)

Applicability of INA 212(a)(4) to Other Applicants

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Applicability of INA 212(a)(4) to Refugee, Asylee, and Parolee Adjustment of Status Applications

Appendix: Applicability of INA 212(a)(4) to Refugee, Asylee, and Parolee Adjustment of Status Applications

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Applicability of INA 212(a)(4) to Special Immigrant Adjustment of Status Applications

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Eligibility for Public Benefits

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Totality of the Circumstances Framework

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Technical Update - Removing WA Food Assistance Program from the List of Public Benefits Considered

June 16, 2020

This technical update removes the WA Food Assistance Program for Legal Immigrants from the list of examples of state, local, and tribal cash assistance programs that are considered income maintenance for purposes of the public charge inadmissibility determination.

[Read More](#)

AFFECTED SECTIONS

8 USCIS-PM G.10 - Chapter 10 - Public Benefits

Technical Update - Moving the Adjudicator's Field Manual Content into the USCIS Policy Manual

May 21, 2020

U.S. Citizenship and Immigration Services (USCIS) is updating and incorporating relevant Adjudicator's Field Manual (AFM) content into the USCIS Policy Manual. As that process is ongoing, USCIS has moved any remaining AFM content to its corresponding USCIS Policy Manual Part, in PDF format, until relevant AFM content has been properly incorporated into the USCIS Policy Manual. To the extent that a provision in the USCIS Policy Manual conflicts with remaining AFM content or Policy Memoranda, the updated information in the USCIS Policy Manual prevails. To find remaining AFM content, see the [crosswalk](#) between the AFM and the Policy Manual.

[Read More](#)

AFFECTED SECTIONS

1 USCIS-PM - Volume 1 - General Policies and Procedures

2 USCIS-PM - Volume 2 - Nonimmigrants

3 USCIS-PM - Volume 3 - Humanitarian Protection and Parole

4 USCIS-PM - Volume 4 - Refugees and Asylees

5 USCIS-PM - Volume 5 - International Orphans and Adoptees

6 USCIS-PM - Volume 6 - Immigrants

7 USCIS-PM - Volume 7 - Adjustment of Status

8 USCIS-PM - Volume 8 - Admissibility

9 USCIS-PM - Volume 9 - Waivers and Other Forms of Relief

11 USCIS-PM - Volume 11 - Travel and Identity Documents

12 USCIS-PM - Volume 12 - Citizenship and Naturalization

POLICY ALERT - Implementation of Guidance on Inadmissibility on Public Charge Grounds

February 24, 2020

This update incorporates into Volumes 2, 8, and 12 policy guidance that U.S. Citizenship and Immigration Services (USCIS) announced February 5, 2020, implementing the Inadmissibility of Public Charge Grounds Final Rule. This guidance is in effect as of February 24, 2020 and applies to all applications and petitions postmarked on or after that date, including in Illinois. (On February 21, 2020, the Supreme Court of the United States stayed the last remaining injunction in the State of Illinois, allowing DHS to implement the final rule nationwide.) Certain classes of aliens are exempt from the public charge ground of inadmissibility (such as refugees, asylees, certain VAWA self-petitioners, U petitioners, and T applicants) and therefore, are not subject to the Final Rule. For more information about the classes of aliens who are exempt from the Final Rule, click [here](#).

[Read More](#)

AFFECTED SECTIONS

2 USCIS-PM A.4 - Chapter 4 - Extension of Stay and Change of Status

8 USCIS-PM G - Part G - Public Charge Ground of Inadmissibility

12 USCIS-PM D.2 - Chapter 2 - Lawful Permanent Resident (LPR) Admission for Naturalization

POLICY ALERT - Public Charge Ground of Inadmissibility

February 05, 2020

U.S. Citizenship and Immigration Services (USCIS) is issuing guidance in the USCIS Policy Manual to address the final rule on the public charge ground of inadmissibility. This policy guidance is effective on February 24, 2020, and will apply to all applicants and petitioners filing applications and petitions for adjustment of status, extension of stay, and change of status, except for applicants and petitioners in the State of Illinois, whose cases will be adjudicated under prior policy, including the [1999 Interim Field Guidance](#) and [AFM Ch. 61.1](#). For additional information, see [Public Charge Inadmissibility Determinations in Illinois](#). Certain classes of aliens are exempt from the public charge ground of inadmissibility (such as refugees, asylees, certain VAWA self-petitioners, U petitioners, and T applicants) and therefore, are not subject to the Inadmissibility on Public Charge Grounds final rule. For more information about the classes of aliens who are exempt from the final rule, click [here](#).

[Read More](#)

AFFECTED SECTIONS

2 USCIS-PM A.4 - Chapter 4 - Extension of Stay and Change of Status

8 USCIS-PM G - Part G - Public Charge Ground of Inadmissibility

12 USCIS-PM D.2 - Chapter 2 - Lawful Permanent Resident (LPR) Admission for Naturalization

Technical Update - Replacing the Term “Foreign National”

October 08, 2019

This technical update replaces all instances of the term “foreign national” with “alien” throughout the Policy Manual as used to refer to a person who meets the definition provided in INA 101(a)(3) [“any person not a citizen or national of the United States”].

[Read More](#)

AFFECTED SECTIONS

1 USCIS-PM - Volume 1 - General Policies and Procedures

2 USCIS-PM - Volume 2 - Nonimmigrants

6 USCIS-PM - Volume 6 - Immigrants

7 USCIS-PM - Volume 7 - Adjustment of Status

8 USCIS-PM - Volume 8 - Admissibility

9 USCIS-PM - Volume 9 - Waivers and Other Forms of Relief

10 USCIS-PM - Volume 10 - Employment Authorization

11 USCIS-PM - Volume 11 - Travel and Identity Documents

12 USCIS-PM - Volume 12 - Citizenship and Naturalization

Current as of June 16, 2020