



U.S. Citizenship and Immigration Services

Public Charge Inadmissibility Determinations in Illinois

USCIS will implement the [Inadmissibility on Public Charge Grounds Final Rule](#) on Feb. 24, 2020. However, we are prohibited from implementing the final rule in Illinois, where it remains enjoined by the U.S. District Court for the Northern District of Illinois. If the injunction in Illinois is lifted, we will provide additional public guidance.

Adjustment of Status Applicants in the State of Illinois

Applicants for adjustment of status who live in Illinois and who are subject to the public charge ground of inadmissibility are not subject to the final rule.

- We will adjudicate such applications under the 1999 [Field Guidance on Deportability and Inadmissibility on Public Charge Grounds](#).
- To determine whether an applicant lives in Illinois, we will use the applicant's current physical address, as provided in Part 14 of the Form I-485, Application to Register Permanent Residence or Adjust Status.
- Applicants who live in Illinois must continue to submit their applications on the prior edition of the [Form I-485](#) with the July 15, 2019, or Dec. 13, 2017, edition dates.
- Applicants must also submit all required initial evidence and correct application fees.
- These applicants do *not* need to complete the new Form I-944, Declaration of Self Sufficiency with their Form I-485.
- We will reject applications that are submitted on an incorrect edition of Forms I-485 or that include the Form I-944. The correct editions of the forms for those who live in Illinois are available on our [website](#).

All applications filed by or on behalf of aliens in Illinois and who are subject to the public charge ground of inadmissibility must be sent to:

[USPS]

USCIS Nebraska Service Center
ATTN: 944 Team
P.O. Box 82521
Lincoln, NE 68501

Courier Service

USCIS Nebraska Service Center
ATTN: 944 Team
850 'S' Street
Lincoln, NE 68508

Extension of Stay and Change of Status Applicants and Petitioners in the State of Illinois

Applicants and petitioners seeking to extend an alien's nonimmigrant stay or change an alien's nonimmigrant status in Illinois are not subject to the final rule.

- For Form I-539, Application to Extend/Change Nonimmigrant Status, we will use the applicant's physical address to determine whether the applicant is subject to the final rule.
- For Form I-129, Petition for a Nonimmigrant Worker, and Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker, we will use the petitioner/employer's physical address and the beneficiary's physical address as listed on the Form I-129 or I-129CW to determine whether the beneficiary of the petition is subject to the final rule.
 - If a physical address is in Illinois, the final rule will not apply.
- Petitioners filing the [Form I-129](#) who are covered by the Illinois injunction must use the prior version of Form I-129, which has an edition date of 01/08/2020 (or 01/31/2019, while that edition remains acceptable).
 - Petitioners covered by the Illinois injunction who file Form I-129CW must use the prior version of the Form I-129CW that has an edition date of 12/02/2019.
 - Petitioners can find the edition date at the bottom of the page on the form and instructions.
 - Petitioners covered by the Illinois injunction should continue to send their Form I-129 or Form I-129CW to the direct filing address for Form I-129 and Form I-129CW provided at uscis.gov, along with any Form I-539 that is accompanying the Form I-129 or Form I-129CW.
 - If the petitioner is covered by the Illinois injunction, **we will reject any version of the Form I-129 or Form I-129CW that does not display the prior edition dates noted above.**
- Any applicant submitting a Form I-539 that is covered by the Illinois injunction and that is not being submitted concurrently with a Form I-129 or Form I-129CW should also use the 12/2/2019 edition date and send their application to the following address.
 - We will reject applications and petitions submitted on incorrect editions of the forms.

USCIS Nebraska Service Center
ATTN: I-539 Team
P.O. Box 82521
Lincoln, NE 68501

Courier Service

USCIS Nebraska Service Center
ATTN: I-539 Team
850 'S' Street
Lincoln, NE 68508

Starting on or after [Feb. 24, 2020], electronic filing of Form I-539 will not be available to applicants residing in Illinois

Effects of Moving in and out of Illinois on Applications and Petitions for Adjustment of Status, Extension of Stay, and Change of Status

DHS will not apply the final rule to an applicant, petitioner or beneficiary for adjustment of status, extension of stay, or change of status whose physical address is in Illinois at any point during the adjudication of the application or petition—as long as USCIS is [notified](#) of a bona fide change in the applicant's, beneficiary's, or petitioner's physical address to a location in Illinois before USCIS concludes the adjudication of the relevant application or petition.

In the case of a Form I-129 filed by a petitioner on behalf of a beneficiary, we will consider a change in the petitioner's/employer's, or beneficiary's physical address to a location in Illinois at any point during the adjudication process as long as USCIS is notified of a bona fide change in the applicant's, beneficiary's

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and/or the petitioner's/employer's physical address before USCIS concludes the adjudication of the relevant application or petition. To learn more about notifying USCIS of an address change, please see our [change of address page](#).

If an applicant or petitioner on a beneficiary's behalf submits an application or petition while the applicant, petitioner or beneficiary is living in Illinois, but the applicant or petitioner notifies USCIS of a bona fide change in the applicant's, petitioner's or beneficiary's physical address to a different state while the application or petition is pending, the final rule will *not* apply to the application or petition.

Likewise, if an applicant or a petitioner on a beneficiary's behalf submits an application or petition while the applicant, petitioner or beneficiary is living outside of Illinois, but the applicant or petitioner notifies USCIS of a bona fide change in the applicant's, petitioner's or beneficiary's physical address to an Illinois address while the application or petition is pending with USCIS, the final rule will also *not* apply to the applicant.

As with all information provided on an application or petition, in signing the application or petition, the applicant or petitioner is certifying, under penalty of perjury, that the physical address provided on the form is true and correct.

Last Reviewed/Updated: 02/05/2020