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Ombudsman Alert: USCIS Implements its Inadmissibility on Public Charge Grounds Final Rule

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Citizenship and Immigration Services Ombudsman

February 2020

Ombudsman Alert: USCIS Implements its Inadmissibility on Public Charge Grounds Final Rule

On February 5, 2020, USCIS posted several new or revised forms and resource guides to its website in connection with the implementation of its [Inadmissibility on Public Charge Grounds Final Rule](#).

The Final Rule (which was published on August 14, 2019), amends DHS regulations by prescribing how DHS will determine whether a person applying for admission to the United States or adjustment of status (i.e., a green card) is inadmissible because he or she is likely at any time to become a public charge.

The Final Rule includes a requirement that individuals seeking an extension, stay or change of status demonstrate that they have not received public benefits over the allowed amount since obtaining the nonimmigrant status that they are seeking to extend or change.

The Final Rule exempts certain individuals, like U and T visa holders, asylees, refugees and other categories.

The Final Rule was enjoined by several courts just days prior to its original implementation date in October 2019. On January 27, 2020, the Supreme Court issued a decision that had the effect of lifting all injunctions on the Final Rule, with the exception of an injunction imposed on the Final Rule in the state of Illinois.

For this reason, the Final Rule currently does not apply to individuals living in Illinois.

Stakeholders should carefully review the [guidance USCIS posted on its website for Illinois residents](#), which includes both individuals living in Illinois and employers sponsoring individuals living in Illinois, before filing with USCIS. DHS states it 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—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. Should the injunction in Illinois be lifted, USCIS will provide additional public guidance.

The following are resources that further explain the Public Charge Final Rule:

- [USCIS Final Rule on Public Charge Group Inadmissibility](#)
- [USCIS Public Charge Fact Sheet](#)
- [USCIS Announcement on New and Updated Forms](#)
- [USCIS Policy Alert](#)

USCIS plans to host at least one public engagement session to help the public understand the Final Rule and filing requirements. The Ombudsman's Office will continue to monitor the implementation of this final rule and hopes that you find this update helpful.



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