



U.S. Department of
Homeland Security

2019 Public Charge Rule Vacated and Removed; DHS Withdraws Proposed Rule Regarding the Affidavit of Support

Release Date: March 11, 2021

WASHINGTON—Today, DHS filed for public inspection (<https://www.federalregister.gov/public-inspection/2021-05357/inadmissibility-on-public-charge-grounds-implementation-of-vacatur>), with the Federal Register a rule that formally removes from the Code of Federal Regulations the now-vacated 2019 rule on public charge inadmissibility. On March 9, 2021, a court order vacating the 2019 public charge rule went into effect, and DHS immediately stopped applying the rule. Today’s rule completes the last step in implementing that vacatur.

“Today, DHS closed the book on the public charge rule and is doing the same with respect to a proposed rule regarding the affidavit of support that would have placed undue burdens on American families wishing to sponsor individuals lawfully immigrating to the U.S.,” said Secretary of Homeland Security Alejandro N. Mayorkas. “In the weeks ahead, we will work with our federal agency partners and community leaders to ensure immigrants and their families have accurate information about our public charge policies. DHS is committed to implementing reforms that improve our immigration system and reduce unnecessary barriers to legal immigration.”

As DHS announced (<https://www.dhs.gov/news/2021/03/09/dhs-secretary-statement-2019-public-charge-rule>) on March 9, as a result of the vacatur, the 1999 interim field guidance (<https://www.federalregister.gov/documents/1999/05/26/99-13202/field-guidance-on-deportability-and-inadmissibility-on-public-charge-grounds>) on the public charge inadmissibility provision (i.e., the policy that was in place before the 2019 public charge rule) is now in effect.

Today, DHS also submitted a notice to the Federal Register withdrawing an Oct. 2, 2020, proposed rule (<https://www.federalregister.gov/documents/2020/10/02/2020-21504/affidavit-of-support-on-behalf-of-immigrants>), related to the affidavit of support. Under Section 213A of the INA, USCIS requires an affidavit of support for most family-sponsored immigrants and some employment-based immigrants. The individual who signs the affidavit agrees to financially support the named immigrant and becomes the sponsor once the intending immigrant becomes a lawful permanent resident. The affidavit of support proposed rule would have changed evidentiary requirements to impose new, costly burdens, estimated at \$240 million annually, on those sponsoring lawful immigrants.

Topics: Citizenship and Immigration Services (</topics/immigration-and-citizenship-services>), Citizenship and Immigration Services Ombudsman (</topics/citizenship-and-immigration-services-ombudsman>), Homeland Security Enterprise (</topics/homeland-security-enterprise>), Secretary of Homeland Security (</topics/secretary-homeland-security>).

Keywords: Immigration (</keywords/immigration>), Immigration Reform (</keywords/immigration-reform>).

Last Published Date: March 11, 2021