

## USCIS Response to Coronavirus 2019 (COVID-19)



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# Public Charge Inadmissibility Final Rule: Revised Forms and Updated Policy Manual Guidance

## Archived Content

The information on this page is out of date. However, some of the content may still be useful, so we have archived the page.

Release Date : 02/05/2020

U.S. Citizenship and Immigration Services has published revised forms consistent with the final rule on the public charge ground of inadmissibility, which the U.S. Department of Homeland Security, including USCIS, will implement on Feb. 24, 2020. Beginning Feb. 24, 2020, applicants and petitioners must use new editions of the following forms below (except in Illinois, where the rule remains enjoined by a federal court):

- Form I-129, [Petition for a Nonimmigrant Worker](#)
- Form I-129CW, [Petition for a CNMI-Only Nonimmigrant Worker](#)
- Form I-485, [Application to Register Permanent Residence or Adjust Status](#)
- Form I-485 Supplement A, [Supplement A to Form I-485, Adjustment of Status Under Section 245\(i\)](#)
- Form I-485J, [Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204\(j\)](#)
- Form I-539, [Application to Extend/Change Nonimmigrant Status](#)
- Form I-539A, Supplemental Information for Application to Extend/Change Nonimmigrant Status
- Form I-601, [Application for Waiver of Grounds of Inadmissibility](#)
- Form I-864, [Affidavit of Support Under Section 213A of the INA](#)
- Form I-864A, [Contract Between Sponsor and Household Member](#)
- Form I-864EZ, [Affidavit of Support Under Section 213A of the INA](#)
- Form I-912, [Request for Fee Waiver](#)

In addition, except in Illinois, applicants for adjustment of status subject to the public charge ground of inadmissibility and the Final Rule will be required to submit [Form I-944, Declaration of Self Sufficiency](#). Certain applicants whom USCIS invites to submit a public charge bond will use the new [Form I-945, Public Charge Bond](#), for that purpose, and the new [Form I-356, Request for Cancellation of Public Charge Bond](#), to request cancellation of a public charge bond.

Certain classes of aliens (such as refugees, asylees, petitioners under the federal Violence Against Women Act, and certain T and U visa applicants) are exempt from the public charge ground of inadmissibility 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, please see the [USCIS Policy Manual](#).

### **Reporting Information About Benefits**

The final rule requires aliens to report certain information related to public benefits. Instructions for Form I-944 require aliens subject to the public charge ground of inadmissibility to report and submit information about whether the alien applied for, was certified or approved to receive, or received certain non-cash public benefits on or after Oct. 15, 2019.

Instructions for Forms I-129, I-129CW, and I-539 require the petitioner or alien to report whether the alien received public benefits since obtaining the nonimmigrant status the alien seeks to extend or change.

Due to litigation-related delays in the rule's implementation, USCIS is applying all references to Oct. 15, 2019, as though they refer to Feb. 24, 2020. Petitioners and applicants should do the same. In other words, aliens do not need to report the application, certification or approval to receive, or receipt of certain non-cash public benefits on the Form I-944 before Feb. 24, 2020. Similarly, petitioners and aliens do not need to report an alien's receipt of any public benefits on Forms I-129, I-129CW, and I-539 if the benefits were received before Feb. 24, 2020.

### **Postmarks and Submission Dates for Forms**

USCIS will accept the current edition of these forms if they are postmarked (or submitted electronically, if applicable) before Feb. 24, 2020. We will not accept them if they are postmarked on or after Feb. 24, 2020, except in Illinois. For applications and petitions that are sent by commercial courier (such as UPS, FedEx or DHL), the postmark date is the date reflected on the courier receipt.

#### **Illinois Residents**

USCIS is 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, USCIS will provide additional public guidance. If you are applying for immigration benefits and live in Illinois, or are a petitioning employer in Illinois, please review the information on our [website](#) about how Illinois residents may access forms and apply in light of the injunction.

### **Further Information**

USCIS has also published guidance based on the final rule in the Policy Manual. For additional information, see the [Policy Alert \(PDF, 335.2 KB\)](#).

For more information about the final rule, see the [Final Rule on Public Charge Ground of Inadmissibility](#) webpage.



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