

## USCIS Response to Coronavirus (COVID-19)



U.S. Citizenship  
and Immigration  
Services

[Home](#) > [Green Card](#) > [Green Card Processes and Procedures](#) > Public Charge Resources

## Public Charge Resources

**i Alert:** On Dec. 23, 2022, the new [Public Charge Ground of Inadmissibility final rule](#) will go into effect. The final rule will apply to adjustment of status applications postmarked (or electronically submitted, if applicable) on or after Dec. 23. Until Dec. 23, USCIS will continue to apply the public charge ground of inadmissibility consistent with the [1999 Interim Field Guidance](#).

Consistent with [Executive Order 14012](#), we are committed to restoring trust in our legal immigration system and identifying excessive or unjustified administrative and other barriers that impede access to immigration benefits and fair, efficient adjudications of these benefits. One goal of this executive order is to reduce the confusion and fear that may have prevented immigrants and their families, including their children, from obtaining access to critical government services available to them.

We must ensure that immigrants and their U.S. citizen and non-U.S. citizen family members, are not deterred from obtaining access to important government services for which they are eligible to keep their families safe and healthy. A central goal of our efforts is to promote equity and to prevent unfairness, consistent with law.

Please see our resources below to learn more about the [2022 Public Charge Ground of Inadmissibility Final Rule](#) and how we now administer the public charge ground of inadmissibility. Our question-and-answer section, infographics, and other resources address common concerns and misconceptions about the public charge ground of inadmissibility. These resources include information about the public benefits that we do not consider when making public charge inadmissibility determinations.

For example, we do not consider vaccines or public benefits specifically related to the coronavirus (COVID-19) pandemic. You can continue to receive the care you and your family need to protect your health and limit the spread of COVID-19. We do not consider vaccinations when making public charge inadmissibility determinations. In fact, we encourage everyone, regardless of immigration status, to receive the COVID-19 vaccine. For more information on COVID-19 vaccines, please visit the [DHS statement on COVID-19 vaccines](#) and [Covid.gov](#).

We also encourage everyone, including noncitizens, to seek necessary medical care, including treatment or preventive services for COVID-19. You may seek pandemic-related benefits and services (including food assistance, housing programs, and others) for which you are eligible—without fear of negative consequences to your immigration status.

These resources also describe the steps we are taking to communicate with the public about current public charge policies. When in doubt, please seek information from a trusted source, including federal, state or local government agencies.

## Questions and Answers About Public Charge

 Close All  Open All

### Key Facts About the 2022 Final Rule

#### **Q: What is the public charge ground of inadmissibility?**

A: Congress established that a noncitizen's application for a visa, admission, or adjustment of status can be denied if they are found "likely at any time to become a public charge."

For DHS, a public charge inadmissibility determination is based on a noncitizen's likelihood of becoming primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.

USCIS must apply this public charge inadmissibility determination to most noncitizens who are applying for lawful permanent residence (also known as a Green Card) when we adjudicate Form I-485, Application to Register Permanent Residence or Adjust Status.

As explained in detail below, some noncitizens are exempt from the public charge ground of inadmissibility.

#### **Q: How does USCIS administer the public charge ground of inadmissibility?**

A: For adjustment of status applications postmarked (or electronically filed, if applicable) on or after Dec. 23, 2022, USCIS will apply the [2022 Final Rule](#). For applications postmarked before Dec. 23, 2022, USCIS will administer the public charge ground of inadmissibility consistent with the statute and the [1999 Interim Field Guidance](#).

#### **Q: Who is exempt from the public charge ground of inadmissibility?**

A: The following noncitizens are exempt from the public charge ground of inadmissibility when applying for visas, admission, or adjustment of status:

- Asylees and refugees;
- Amerasian immigrants at admission;
- Afghan and Iraqi interpreters or Afghan or Iraqi nationals employed by or on behalf of the U.S. government;
- Cuban and Haitian entrants at adjustment of status;
- Applicants seeking adjustment under the Cuban Adjustment Act;
- Nicaraguans and other Central Americans who are adjusting status to LPR;

- Haitians who are adjusting status to LPR;
- Lautenberg parolees;
- Special immigrant juveniles;
- Applicants for registry;
- Applicants seeking Temporary Protected Status (TPS);
- Certain nonimmigrant ambassadors, ministers, diplomats, and other foreign government officials, and their families;
- Human trafficking victims (T nonimmigrants);
- Victims of qualifying criminal activity (U nonimmigrants);
- Self-petitioners under the Violence against Women Act (VAWA);
- Certain battered noncitizens who are “qualified aliens” under PRWORA;
- Applicants adjusting status who qualify for a benefit as surviving spouses, children, or parents of military members;
- Noncitizen American Indians born in Canada;
- Noncitizen members of the Texas Band of Kickapoo Indians of the Kickapoo Tribe of Oklahoma;
- Nationals of Vietnam, Cambodia, and Laos applying under the Indochinese Act;
- Polish and Hungarian Parolees;
- Certain Syrian nationals;
- Applicants adjusting under the Liberian Refugee Immigration Fairness (LRIF) law; and
- Any other categories of noncitizens exempt under any other law from the public charge ground of inadmissibility provisions under INA 212(a)(4).

For further information on which categories of noncitizens are subject to and exempt from the public charge ground of inadmissibility, see the [USCIS Policy Manual, Volume 8, Admissibility, Part G, Public Charge Ground of Inadmissibility](#) and the [2022 Final Rule](#).

**Q: What are the factors that USCIS will consider when making a public charge inadmissibility determination?**

A: For all applicants for adjustment of status who are subject to the public charge ground of inadmissibility, USCIS must consider the statutory minimum factors of age; health; family status; assets, resources, and financial status; and education and skills. The applicant provides relevant information about these factors as part of the adjustment application (Form I-485) and the Report of Medical Examination and Vaccination Record (Form I-693).

USCIS will favorably consider a sufficient Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)), if required.

USCIS will also consider any current and/or past receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.

**Q: Which public benefits does USCIS consider when determining whether an applicant is inadmissible under the public charge ground?**

AILA Doc. No. 22122003. (Posted 12/20/22)

A: We consider an applicant's current and/or past receipt of public cash assistance for income maintenance. Public cash assistance for income maintenance includes only the following:

- Supplemental Security Income (SSI);
- Cash assistance under the Temporary Assistance for Needy Families (TANF) program; and
- State and local cash assistance programs that provide benefits for income maintenance (often called "General Assistance" programs).

We also consider an applicant's institutionalization for long-term care at government expense, such as in a nursing home or mental health institution.

However, relatively few applicants will be both subject to the public charge ground of inadmissibility and eligible for these public benefits prior to adjustment of status. (For more details, see below under "Most Noncitizens Are Not Eligible for Public Benefits.")

### **Q: What public assistance programs does USCIS not consider?**

A: Generally, we do not consider noncash benefits in making public charge determinations. The only noncash benefit we consider is long-term institutionalization at government expense. We also do not consider special-purpose cash assistance that is not intended for income maintenance.

For example, USCIS does **not** consider any of the following public benefits when making a public charge determination:

#### ***Nutrition programs***

- Supplemental Nutrition Assistance Program (SNAP) or other nutrition programs
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- School lunch and school breakfast programs
- Benefits under the Emergency Food Assistance Act (TEFAP)
- Child and Adult Care Food Program (CACFP)
- Food Distribution Program on Indian Reservations (FDPIR)

#### ***Health programs***

- Children's Health Insurance Program (CHIP)
- Medicaid (other than support for long-term institutional care), including public assistance for immunizations and for testing and treatment of symptoms of communicable diseases, health clinics, short-term rehabilitation services, and emergency medical services
- Health Insurance through the Affordable Care Act
- Any benefits related to immunizations or testing for communicable diseases
- Treatments or preventative services related to COVID-19, including vaccinations
- Home and community-based services (HCBS)

#### ***Housing programs***

- Housing benefits
- Housing assistance under the McKinney-Vento Homeless Assistance Act

***Education and childcare programs***

- Cash payments that are provided for childcare assistance or other supplemental, special purpose cash assistance
- Child care related services including the Child Care and Development Block Grant (CCDBG)
- Head Start
- Attending public school
- Student loans and home mortgage loan programs
- Publicly funded scholarships and educational grants
- Foster care and adoption benefits

***Disaster relief programs***

- Any services provided under the Stafford Act or comparable disaster assistance provided by state, tribal, territorial, or local governments
- Cash payments that are provided as part of pandemic or disaster relief funds, such as the American Rescue Plan Act

***Earned benefits***

- Social Security retirement benefits
- Government pensions
- Veterans' benefits
- Unemployment insurance

***Other public benefits***

- 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
- Transportation vouchers or other non-cash transportation services
- Job training programs
- Energy assistance, such as the Low Income Home Energy Assistance Program (LIHEAP)
- Guaranteed income programs that are not equivalent to public cash assistance for income maintenance
- Child Tax Credit (CTC) or other tax-related cash benefits 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 credit

## Most Noncitizens Are Not Eligible for Public Benefits



### Q: Who is subject to the public charge ground of inadmissibility and eligible for the public benefits considered under the 2022 Final Rule?

A: Relatively few noncitizens in the United States are both subject to the public charge ground of inadmissibility and eligible for the public benefits considered under the 2022 Final Rule before adjustment of status.

The following table identifies the major categories of noncitizens who are generally subject to the public charge ground of inadmissibility and may be eligible for the federal public benefits considered under the 2022 Final Rule (such as Supplemental Security Income, Temporary Assistance for Needy Families, and Medicaid that supports noncitizens who are institutionalized for long-term care at government expense). The 2022 Final Rule also includes consideration of state and local cash assistance programs that provide benefits for income maintenance (often called “General Assistance” programs); and any other program in addition to Medicaid that supports noncitizens who are institutionalized for long term care at government expense. (The table does not include these programs).

The 2022 Final Rule, the public charge inadmissibility determination is a prospective determination based on the totality of the noncitizen’s circumstances (that is, we weigh all the information and evidence relevant to the statutory factors as applied to an applicant’s case). No one factor serves as the sole criterion for making a public charge inadmissibility determination (except for an insufficient Affidavit of Support Under Section 213A of the INA where required).

The table is provided for background purposes only and should not be used to determine eligibility for public benefits.


**Categories of noncitizens eligible for SSI, TANF, or Medicaid for long-term institutionalization whose past or current benefit use may be considered in a public charge inadmissibility determination**

Population	Eligible for which benefits?	Notes
Noncitizens who were paroled into the United States for more than one year <sup>3</sup>	SSI, TANF, Medicaid for long-term institutionalization	SSI eligibility only in limited circumstances. <sup>1</sup>  Medicaid and TANF eligibility subject to 5-year waiting period in most cases.
Noncitizens granted withholding of removal who are allowed to remain in the United States	SSI, TANF, Medicaid for long-term institutionalization	SSI eligibility only in limited circumstances. <sup>1</sup>



Population	Eligible for which benefits?	Notes
Certain citizens of Micronesia, the Marshall Islands, or Palau, who can lawfully reside and work in the United States under the Compacts of Free Association	Medicaid for long-term institutionalization	
Cuban and Haitian Entrants under section 501(e) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note)	SSI, TANF, Medicaid for long-term institutionalization	SSI eligibility only in limited circumstances. <sup>1</sup>  Not subject to the public charge inadmissibility ground if also in an exempt immigration status. <sup>2</sup>
Lawfully present children, pregnant women, and women in the 60-day postpartum period or 12-month postpartum period (depending on the State's election), in States that have elected to cover this population in Medicaid	Medicaid for long-term institutionalization	Not subject to the public charge inadmissibility ground if also in an exempt immigration status. <sup>2</sup>
Noncitizen members of federally recognized Indian tribes	SSI, Medicaid for long-term institutionalization	Not subject to the public charge inadmissibility ground if also in an exempt immigration status. <sup>2</sup>
Conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980	SSI, TANF, Medicaid for long-term institutionalization	SSI eligibility only in limited circumstances. <sup>1</sup>
Returning lawful permanent residents (LPRs) who are seeking admission to the United States as described in section 101(a)(13)(C) of the INA (8 U.S.C. 1101(a)(13)(C)), including those absent from the United States for more than 180 days	SSI, TANF, Medicaid for long-term institutionalization	Not all LPRs are eligible for SSI, TANF, and Medicaid, depending on factors such as whether the State requires LPRs to have 40 qualified work quarters and whether subject to the 5-year waiting period.

Population	Eligible for which benefits?	Notes
<p>Abbreviations: SSI, Supplemental Security Income; INA, Immigration and Naturalization Act; LPR, lawful permanent resident (or “Green Card” holder); TANF, Temporary Assistance for Needy Families; U.S.C., United States Code.</p> <p><sup>1</sup> See Social Security Administration, Supplemental Security Income for Noncitizens, <a href="https://www.ssa.gov/pubs/EN-05-11051.pdf">https://www.ssa.gov/pubs/EN-05-11051.pdf</a> (accessed Feb. 9, 2022).</p> <p><sup>2</sup> Certain noncitizens are exempt from the public charge ground of inadmissibility, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Asylees and refugees</li> <li>• Afghan and Iraqi interpreters or Afghan or Iraqi nationals employed by or on behalf of the U.S. government</li> <li>• Cuban and Haitian entrants</li> <li>• Applicants seeking adjustment under the Cuban Adjustment Act</li> <li>• Special immigrant juveniles</li> <li>• Applicants applying for or reregistering for Temporary Protected Status (TPS)</li> <li>• Human trafficking victims (T nonimmigrants)</li> <li>• Victims of qualifying criminal activity (U nonimmigrants)</li> <li>• Self-petitioners under the Violence against Women Act (VAWA)</li> <li>• Applicants adjusting under the Liberian Refugee Immigration Fairness (LRIF) law</li> <li>• Any other categories of noncitizens exempt under any other law from the public charge ground of inadmissibility provisions under INA 212(a)(4)</li> </ul> <p>For further information on which categories of noncitizens are subject to and exempt from the public charge ground of inadmissibility, see the <a href="#">USCIS Policy Manual, Volume 8, Admissibility, Part G, Public Charge Ground of Inadmissibility</a> and the <a href="#">2022 Final Rule [PDF (PDF)]</a>.</p> <p><sup>3</sup> USCIS does not consider any public benefits that were received by noncitizens who, while not refugees, are eligible for resettlement assistance, entitlement programs, and other benefits available to refugees. For example, Congress explicitly extended benefits normally reserved for refugees to our Afghan allies and to certain Ukrainians impacted by the Russian invasion of Ukraine.</p>		

Past or Current Receipt of Public Cash Assistance for Income Maintenance or Long-term Institutionalization at Government Expense 

**Q: What if a family member living in the adjustment applicant’s household uses public cash assistance for income maintenance or long-term institutionalization at government expense?**

AILA Doc. No. 22122003. (Posted 12/20/22)



**Would that count against the applicant's immigration status or eligibility for immigration benefits?**

A: No. The receipt of public benefits by an applicant's family members is not considered in a public charge inadmissibility determination under the 2022 Final Rule. Only public cash assistance for income maintenance or long-term institutionalization at government expense provided *to the applicant*, where the applicant is listed as a named beneficiary, are considered in a public charge inadmissibility determination.

**Q: Does the receipt of public benefits by someone who naturalized or derived U.S. citizenship affect their citizenship?**

A: No. Anyone who naturalized or derived U.S. citizenship cannot lose their citizenship because of receipt of public benefits while a U.S. citizen.

**Q: Are lawful permanent residents subject to a public charge inadmissibility determination when they apply to renew their Green Cards?**

A: No. Lawful permanent residents applying to renew their Green Card are not subject to a public charge inadmissibility determination, because they are not required to establish that they are admissible to the United States to renew their Green Card.

**Q: Does the receipt of public benefits by a lawful permanent resident affect their immigration status while they are in the United States?**

A: No. DHS only applies the public charge ground of inadmissibility to applicants for admission to the United States or to applicants for adjustment of status who are already in the United States. Lawful permanent residents have already adjusted their status.

**Q: What if a lawful permanent resident has received or is receiving public cash assistance for income maintenance or long-term institutionalization at government expense and departs the United States—will they be subject to a public charge determination upon their return?**

No, except in a few unusual circumstances. DHS does not typically treat a lawful permanent resident who has been outside the United States as an applicant for admission when they return from a trip abroad and, therefore, they would not generally undergo a public charge inadmissibility determination upon their return. Under INA 101(a)(13)(C), an LPR returning from a temporary trip abroad would only be considered seeking admission to the United States if any of the following factors apply:

- Abandoned or relinquished their status as a lawful permanent resident;
- Has been absent for a continuous period more than 180 days;
- Departed the United States while in removal proceedings or extradition proceedings;
- Engaged in certain illegal activity after departing the United States;
- Committed an offense identified in INA 212(a) (unless they have been granted relief under INA 212(h) since the offense); or
- Is attempting to enter the United States at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

ALLA Doc. No. 22122003. (Posted 12/20/22)

**Q: Does the current and/or past receipt of public benefits automatically result in an applicant being found likely at any time to become a public charge?**

A: No. USCIS considers current and/or past receipt of public cash assistance for income maintenance and long-term institutionalization at government expense in the totality of the circumstances, taking into account the amount, duration, and recency of the receipt. Current and/or past receipt of these benefits alone is not a sufficient basis to determine that an applicant is likely at any time to become a public charge.

The past or current receipt of public cash assistance for income maintenance and long-term institutionalization at government expense is only one factor we consider in the totality of the circumstances; other factors include the statutory minimum factors (age; health; family status; assets, resources, financial status; and education and skills) and the Affidavit of Support Under Section 213A of the INA, if required.

USCIS will not find an applicant inadmissible on the public charge ground solely based on an applicant's disability.

**Q: What if a noncitizen receives public benefits while in a category that is exempt from the public charge ground of inadmissibility, but then applies to adjust status while in a non-exempt category?**

USCIS does not consider any public benefits received by a noncitizen during periods in which the noncitizen was present in the United States in an immigration category that is exempt from the public charge ground of inadmissibility or for which the noncitizen received a waiver of public charge inadmissibility.

For example, an individual with refugee status is exempt from the public charge ground of inadmissibility and may be eligible for a range of public benefits, including public cash assistance for income maintenance. If this individual later applied for adjustment of status based on a family petition (Form I-130), they *would* be subject to a public charge determination, but their receipt of public benefits during their period of refugee status would not be considered.

---

## COVID-19 Related Public Benefits

**Q: Will receiving free COVID-19 testing, vaccinations, or treatment be used in determining whether someone is likely to become a public charge?**

A: No. We do not consider public assistance for immunizations and for testing and treating communicable diseases. We do not consider receipt of Medicaid and other public health insurance and health services. This includes health clinics, short-term rehabilitation services, and emergency medical services.

We encourage everyone, regardless of immigration status, to receive the COVID-19 vaccine and subsequent booster vaccines. We also encourage everyone, including noncitizens, with COVID-19 symptoms (such as fever, cough, shortness of breath) to seek necessary medical treatment or preventive services. Such treatment or preventive services will not affect any public charge determination, now or in the future.

**AILA Doc. No. 22122003. (Posted 12/20/22)**

**Q: What about other COVID-19 public assistance, such as for food, housing, cash assistance, rental assistance, tax credits, stimulus payments, unemployment, financial aid grants to students, Paycheck Protection Program, and student loan forbearance?**

A: We do not consider such public assistance that is specifically related to COVID-19, because these are noncash benefits or special-purpose cash benefits that we do not use in making public charge determinations as a general matter. We only consider Supplemental Security Income (SSI), cash assistance under the Temporary Assistance for Needy Families (TANF) program, and General Assistance (in other words, cash assistance provided by states or localities), as well long-term institutionalization provided at government expense.

States have flexibility in administering the TANF program and may choose to provide noncash assistance such as subsidized childcare or transportation vouchers in addition to cash assistance. Such noncash benefits are not considered for public charge purposes. States may also provide nonrecurrent cash payments for specific crisis situations under TANF. These payments are not considered for public charge purposes because they are not cash for income maintenance.

---

## Affidavit of Support

**Q: What is an Affidavit of Support Under Section 213A of the INA?**

A: Congress amended [INA 212\(a\)\(4\)](#) in 1996 to require that certain immigrants submit a sufficient Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)), executed by a sponsor, to avoid a finding of inadmissibility under this section. The new section, [INA 213A](#), specifies who meets the definition of a sponsor, which immigrants must submit a sufficient Affidavit of Support, the scope of a sponsor's obligations, and how an Affidavit of Support may be enforced.

By executing an Affidavit of Support, a sponsor creates a contract between the sponsor and the U.S. government. Under this contract, the sponsor agrees:

- To provide support to maintain the sponsored immigrant at an annual income not less than 125% of the federal poverty line (or 100% if the sponsor is on active duty—and not in active duty for training—in the U.S. armed forces and petitioning for their spouse or child) during the period the support obligation is in effect;
- To be liable for any reimbursement obligation incurred from the sponsored immigrant receiving means-tested public benefits during the period the obligation is in effect;
- To submit to the jurisdiction of any federal or state court for enforcing the support obligation; and
- That the U.S. government can consider the sponsor's income and assets as available for the support of the sponsored immigrant when the immigrant applies for means-tested public benefits.

Receiving means-tested public benefits does not disqualify someone from becoming a sponsor. However, means-tested public benefits cannot be included as income that is used to meet the income threshold.

**Q: Which applicants for adjustment of status must submit an Affidavit of Support Under Section 213A of the INA?**

A: Most family-based applicants for adjustment of status must submit an Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)), executed by a sponsor, who is usually the U.S. citizen or lawful permanent resident who filed the immigrant petition on the adjustment applicant's behalf. Employment-based applicants for adjustment of status must submit [Form I-864](#) or [Form I-864EZ](#) if the applicant's U.S. citizen or lawful permanent resident relative (as defined in [8 CFR 213a.1](#)) filed the employment-based immigrant petition, or has a significant ownership interest in the entity that filed the immigrant visa petition on behalf of the applicant.

**Q: Which applicants for adjustment of status do not have to submit an Affidavit of Support Under Section 213A of the INA?**

A: Applicants for adjustment of status who do not have to submit an Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)) include applicants in the following categories:

- Employment-based preference immigrant when both of the following apply:
  - Applicant is not a relative of the Form I-140 petitioner; and
  - Applicant does not have a relative with a significant ownership interest (at least five percent) in the business that filed Form I-140
- Immigrant Investor
- Human trafficking victim (T nonimmigrant)
- Victim of qualifying criminal activity (U nonimmigrant)
- Diplomat or high ranking official unable to return home
- S nonimmigrant immigrant (or a qualifying family member)
- Diversity Visa program
- One of the following special immigrant categories:
  - Armed Forces (also known as the Six and Six program)
  - Panama Canal Zone
  - Certain broadcasters
  - G-4 or NATO-6 employees and their family members
  - International employees of the U.S. Government abroad
  - Religious workers
  - Certain physicians
  - Employed by or on behalf of the U.S. Government
  - Certain Afghan or Iraqi nationals employed by or on behalf of the U.S. government as translators
  - Special immigrant juveniles
- Amerasian Act
- Refugee

- Asylee
- Haitian Refugee Immigrant Fairness Act
- Indochinese Parole Adjustment Act of 2000
- Registry (based on continuous residence in the United States since before Jan. 1, 1972)
- Cuban Adjustment Act
- Lautenberg Parolee
- Born in the United States under diplomatic status
- Spouse, child, or parent of a deceased U.S. active duty service military member in the armed forces
- Polish or Hungarian parolee immigrant category
- American Indian born in Canada
- Liberian Refugee Immigration Fairness (LRIF)

For further information on which applicants for adjustment of status do not have to submit an Affidavit of Support Under Section 213A of the INA, see the [USCIS Policy Manual, Volume 8, Admissibility, Part G, Public Charge Ground of Inadmissibility](#).

**Q: What is the purpose of Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support, and who may submit this form instead of Form I-864?**

A: The Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)) is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. Certain classes of immigrants are exempt from the Form I-864 or Form I-864EZ requirement but must submit [Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support](#) with their adjustment of status application to establish that a Form I-864 is not required in their case.

Applicants for adjustment of status who must submit Form I-864W include applicants who:

- Have earned or can receive credit for 40 qualifying quarters (credits) of work in the United States (as defined by the Social Security Act);
- Are under 18 years of age, unmarried, immigrating as the child of a U.S. citizen, are not likely to become a public charge, and will automatically become a U.S. citizen under INA section 320 upon admission to the United States as lawful permanent resident and taking up residence in the legal and physical custody of their U.S. citizen parent;
- Are applying under the self-petitioning battered spouse or child immigrant category; or
- Are applying as the self-petitioning widow or widower of a U.S. citizen.

**Q: What is the effect of a missing or an insufficient Affidavit of Support Under Section 213A of the INA, when one is required?**

A: If an Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)) is required but not submitted, or if we deem the Form I-864 or Form I-864EZ insufficient because the sponsor failed to demonstrate the means to maintain income at the required threshold, the intending



immigrant is inadmissible on the public charge ground and we will deny the intending immigrant's application for adjustment of status or an immigrant visa.

## Other Questions

### **Q: When does DHS make public charge inadmissibility determinations?**

A: In general, all grounds of inadmissibility apply to immigration benefits that require that an applicant is admissible to the United States. Specifically, the public charge ground of inadmissibility applies to applicants for visas, admission, and adjustment of status, unless the noncitizen is exempt from the public charge ground of inadmissibility. Most commonly, we make public charge inadmissibility determinations as part of the adjustment of status application process ([Form I-485, Application to Register Permanent Residence or Adjust Status](#)) when noncitizens apply to adjust their status to that of a lawful permanent resident. U.S. Customs and Border Protection makes public charge inadmissibility determinations when applicants for admission who are subject to this inadmissibility ground present themselves for inspection at a port of entry.

### **Q: How is the Department of State addressing public charge inadmissibility determinations during consular processing of immigrant visa applications?**

A: Please refer to the Department of State's Foreign Affairs Manual (FAM) at [9 FAM 302.8](#) for information about public charge determinations made in consular processing of immigrant visa applications.

### **Q: Is the public charge ground of inadmissibility a consideration when determining a person's eligibility to file an immigrant petition on behalf of a relative?**

A: No. The public charge ground of inadmissibility does not apply to immigrant petitions on behalf of a relative (Form I-130).

### **Q: INA 213 states that noncitizens inadmissible only based on the public charge ground may be admitted in the discretion of DHS "upon the giving of a suitable and proper bond or undertaking." What policies and procedures does USCIS have in place to implement this section of law?**

A: DHS regulations implementing the public charge bond provisions are available in [8 CFR 103.6](#) and [8 CFR 213.1](#). Additionally, USCIS' policies and procedures on public charge bonds are found in the [USCIS Policy Manual](#).

 Close All  Open All

## Additional Resources

 Close All  Open All



## Public Charge Letter to Interagency Partners

- [Public Charge Letter to Interagency Partners \(PDF, 206.38 KB\)](#)

## 2022 Public Charge Final Rule Infographic

- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 599.54 KB\)](#)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 599.54 KB\)](#) (Spanish)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 357.22 KB\)](#) (Bengali)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 709.87 KB\)](#) (Chinese)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 255.5 KB\)](#) (Dari)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 226.98 KB\)](#) (Haitian Creole)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 599.54 KB\)](#) (Korean)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 172.78 KB\)](#) (Nepali)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 402.29 KB\)](#) (Pashto)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 381.95 KB\)](#) (Portuguese)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 189.55 KB\)](#) (Tagalog)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 169.96 KB\)](#) (Ukrainian)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 480.5 KB\)](#) (Urdu)
- [Clarifying the 2022 Public Charge Final Rule Infographic \(PDF, 174 KB\)](#) (Vietnamese)

 Close All  Open All

Last Reviewed/Updated: 12/19/2022