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WASHINGTON— The Department of Homeland Security (DHS) has issued a [final rule](#) rescinding the 2022 Biden-era regulation regarding public charge determinations, further aligning immigration law with Congressional intent that aliens in the United States be self-reliant and not dependent on taxpayer-funded government benefits. Under the Immigration and Nationality Act (INA), an individual applying for a visa, admission, or adjustment of status is inadmissible to the United States if deemed likely at any time to become a public charge.

The now-rescinded Biden-era regulation restricted which public benefits DHS could consider, limiting officers' ability to review all relevant factors as intended by Congress. With this final rule, USCIS officers are empowered to assess all pertinent facts on a case-by-case basis for each applicant.

“The Trump administration is upholding the rule of law and protecting American taxpayers from subsidizing aliens who may become dependent on public benefits. USCIS is committed to safeguarding the safety, security, and financial well-being of Americans,” said U.S. Citizenship and Immigration Services spokesperson Zach Kahler.

The rule will take effect on Sept. 18, 2026. USCIS will publish a revised [Form I-485, Application to Register Permanent Residence or Adjust Status](#). Older versions of Form I-485 postmarked or submitted electronically on or after the effective date will not be accepted.

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