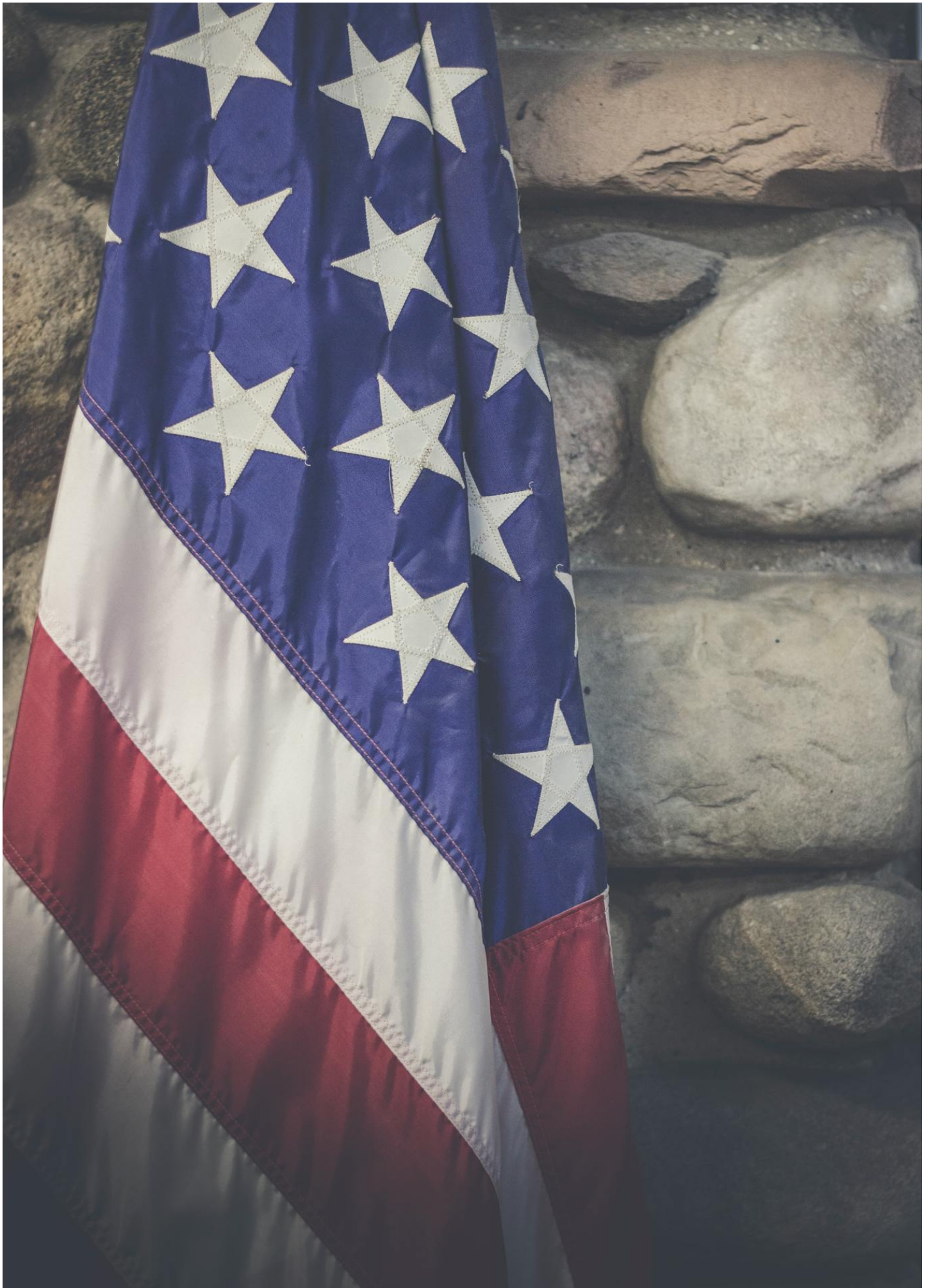


DHS signals that it will vacate the 2019 Public Charge Rule



By [Elizabeth M. Klarin](#)

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March 10, 2021 | **IMMIGRATION**

On Tuesday, March 9, 2021, Department of Homeland Security (DHS) Secretary Alejandro N. Mayorkas announced that the government will no longer defend the 2019 public charge rule as doing so is neither in the public interest nor an efficient use of limited government resources.

Since the 1800s, Congress has put into statute that individuals are inadmissible to the United States if they are unable to care for themselves without becoming public charges. Since 1996, federal laws have stated that aliens generally must be self-sufficient. Following on these historical actions, in 2019, President Trump put in place a policy rule that anyone applying for admission or adjustment of status that is likely at any time to become a public charge should be considered inadmissible. Since that time, individuals and families applying for adjustment of status to permanent resident have been required to complete a lengthy form disclosing deep financial data and information, as well as demonstrate their creditworthiness, for consideration under the totality of the merits of whether someone should be granted permanent residence *a “Green Card”).

No guidance has yet been published by USCIS outright revoking the requirement to file form I-944, Declaration of Self-Sufficiency—a requirement for all adjustment of status applications since 2019—and the form remains available on the USCIS website. However, DHS announced that once the rule is permanently vacated, it will follow [the 1999 interim field guidance on the public charge inadmissibility provision](#), at which time the Form I-944 will no longer be required.

We will be monitoring additional guidance following Secretary Mayorkas’s announcement yesterday. Please continue to check back on this blog for further information, or contact your LMWF immigration professional with questions or concerns regarding this posting.

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