



U.S. Citizenship
and Immigration
Services

November 16, 2021

Dear Interagency Partners:

This is an update to our April 12, 2021 [letter](#) underscoring that the 2019 Public Charge Final Rule is no longer in effect. Since arriving at U.S. Citizenship and Immigration Services in August, one of my priorities has been to ensure we communicate clearly and routinely that we have reverted to the 1999 interim [field guidance](#) issued by the former Immigration and Naturalization Service, which will help ensure that noncitizens are able to access important government services for which they may be eligible.¹ As you know, this is the policy that was in effect prior to the 2019 final rule.

In August 2021, we published a comprehensive list of questions and answers on our expanded [public charge resources page](#) to clarify common questions from the immigrant community and benefit-granting agencies. Additionally, on August 23, 2021, the U.S. Department of Homeland Security published an [Advance Notice of Proposed Rulemaking](#) on the public charge ground of inadmissibility to solicit feedback that will help us prepare a future regulatory proposal. In the meantime, we are administering the public charge ground of inadmissibility consistent with the 1999 interim field guidance. We are also developing additional promotional activities including a social media campaign, expanded web content, and local community engagements to address the confusion and fear that remains regarding public charge. I am encouraged by the interest from many of you in supporting these efforts. We will continue to work together to reduce the fear and chilling effects of the 2019 Public Charge Final Rule.

Under the 1999 interim field guidance, we generally do not consider noncash benefits in making public charge determinations. The only noncash benefit we consider is institutionalization for long-term care at government expense. Additionally, we do not consider special-purpose cash assistance *not intended for income maintenance* such as medical treatment or preventive services for COVID-19, including vaccinations.

Common examples of noncash benefits not included in the public charge determination are:

- Medicaid and other health insurance and health services (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;

¹ See Field Guidance on Deportability and Inadmissibility on Public Charge Grounds, *64 Fed. Reg. 28,689* (May 26, 1999).

- The Children's Health Insurance Program;
- Nutrition programs, including food stamps; Supplemental Nutrition Assistance Program (SNAP); the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the National School Lunch and School Breakfast Program; and other supplementary and emergency food assistance programs;
- Housing benefits;
- Childcare services;
- Energy assistance, such as the Low Income Home Energy Assistance Program;
- Emergency disaster relief;
- Foster care and adoption assistance;
- Educational assistance, including benefits under the Head Start Act and aid for elementary, secondary, or higher education;
- Job training programs; and
- In-kind, community-based programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter).

We also do not consider state and local programs that serve the same purpose as the federal programs listed above. In addition, we do not consider cash payments that have been earned (such as Title II Social Security benefits), government pensions, and veterans benefits, among other forms of earned benefits. I also want to make clear that we would not consider the benefit a family member living in an applicant's household receives—unless that benefit is the family's only means of financial support and the applicant lives in the same household.

It is also important that the immigrant community understand that applying for or receiving most types of noncash public benefits does not make an individual inadmissible on the public charge ground and will not affect an applicant's ability to obtain lawful permanent resident status (obtain a Green Card) or renew a Green Card. Applying for or receiving public benefits for which an individual is eligible generally will not impact their ability to apply for naturalization to become a U.S. citizen. Additionally, certain noncitizens are exempt from the public charge ground of inadmissibility, including applicants seeking refugee or asylee status, Temporary Protected Status (TPS), Violence Against Women Act (VAWA) self-petitioners, and individuals seeking T or U nonimmigrant status as victims of human trafficking or criminal activity.

We value our interagency partnership in making the current policy on public charge widely known and understood to ensure eligible immigrant individuals and families are not dissuaded from applying for certain public benefits. We again thank you for all your work to support the health, well-being and safety of Americans and immigrant communities.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a horizontal line extending to the right.

Ur M. Jaddou
Director