

I-944 Public Charge Rule No Longer Valid



By Elizabeth M. Klarin

March 11, 2021 | **IMMIGRATION**

As [reported yesterday](#) on this blog, the U.S. government indicated on Wednesday that it would vacate its embattled 2019 Public Charge Rule—and today, USCIS officially updated its website to confirm that it will no longer apply the final rule.

As of this morning, the website states

“Applicants should not file Form I-944, Declaration of Self-Sufficiency, or any evidence or documentation required on that form with their Form I-485. The Form I-944 has been discontinued.

“...applicants and petitioners should not provide information required solely by the Public Charge Final Rule. That means that applicants for adjustment of status should not provide the Form I-944, Declaration of Self-Sufficiency, or

any evidence or documentation required on that form with their Form I-485. Applicants and petitioners for extension of nonimmigrant stay and change of nonimmigrant status should not provide information related to the receipt of public benefits on Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3). If an applicant or petitioner has already provided such information, and USCIS adjudicates the application or petition on or after March 9, 2021, USCIS will not consider any information provided that relates solely to the Public Charge Final Rule, including, for example, information provided on the Form I-944, evidence or documentation submitted with Form I-944, or information on the receipt of public benefits on Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3).

“If you received a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) requesting information that is solely required by the Public Charge Final Rule, including but not limited to Form I-944, and your response is due on or after March 9, 2021, you need not provide the information solely required by the Public Charge Final Rule. You do, however, need to respond to the aspects of the RFE or NOID that otherwise pertain to the eligibility for the immigration benefit sought. If USCIS requires additional information or evidence to make a public charge inadmissibility determination under the statute and consistent with the 1999 Interim Field Guidance, it will issue a subsequent RFE or NOID. or information about the relevant court decisions, please see the litigation summary.”

Signaling the final death knell to this issue, the form I-944 is also no longer available on the USCIS website.

Please continue to check back on this blog for further information, or contact your LMWF immigration professional with questions or concerns regarding this posting.

Related Team



Elizabeth M. Klarin
Partner



**Nisha V. Fontaine
(Jagtiani)**
Partner



Eileen M. Martin
Partner | Team Co-
Leader - Immigration
| Team Leader -
Canada-U.S. Cross
Border



Andrew M. Wilson
Partner | Team Co-
Leader - Immigration

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*