

Public Charge

January 2017	<p>DRAFT ORDER CIRCULATED</p> <p>The Trump Administration's draft order outlining intended changes to public charge is leaked to the public. This release sparks fear and confusion, causing a chilling effect among immigrant communities</p>
October 18, 2018	<p>NOTICE OF PROPOSED RULEMAKING ISSUED</p> <p>The U.S. Department of Homeland Security (DHS) issues a Notice of Proposed Rulemaking. Over 266,000 public comments are submitted.</p>
August 14, 2019	<p>FINAL "INADMISSIBILITY ON PUBLIC CHARGE GROUNDS" RULE PUBLISHED</p> <p>DHS publishes the final public charge rule, set to go into effect on October 15, 2019.</p>
August - September 2019	<p>LAWSUITS FILED AGAINST PUBLIC CHARGE RULE</p> <p>Twenty-two states and the District of Columbia, and several counties, community-based organizations, and advocacy organizations file suits against the public charge rule.</p>
October 2019	<p>INJUNCTIONS BLOCK IMPLEMENTATION</p> <p>Four U.S. District Courts place injunctions on the final rule, blocking DHS from implementing it. Three of the injunctions put a nationwide block on implementation. DHS appeals these injunctions.</p>
December 5 and 9, 2019	<p>TWO NATIONWIDE INJUNCTIONS REMOVED, ONE REMAINS</p> <p>U.S. Court of Appeals for the Ninth and Fourth Circuits grant a stay on the preliminary injunctions, removing its block to implementing the rule. One injunction remains, blocking implementation.</p>
January 28 and 30, 2020	<p>SUPREME COURT LIFTS INJUNCTION. IMPLEMENTATION DATE ANNOUNCED</p> <p>The U.S. Supreme Court lifts the final nationwide injunction, making a pathway for the rule to go into effect. U.S. Citizenship and Immigration Services (USCIS) announces that applications submitted on or after February 24, 2020, will be subject to the final public charge rule.</p>
February 24, 2020	<p>PUBLIC CHARGE RULE IMPLEMENTED</p> <p>All applications submitted on or after February 24, 2020, are assessed by the standards in the final public charge rule.</p>
July 29, 2020	<p>NEW INJUNCTION BLOCKS IMPLEMENTATION</p> <p>A nationwide injunction due to the COVID-19 national emergency blocks implementation of the DHS's final public charge rule. The injunction also blocks the Department of State rule (for applicants applying outside the U.S. and the Presidential Proclamation requiring healthcare for new immigrants.)</p>
September 2020	<p>INJUNCTION LIFTED, PUBLIC CHARGE IMPLEMENTED</p> <p>U.S. Second Circuit courts removes the injunction, allowing the final public charge rule to be implemented nationwide.</p>
November 2, 2020	<p>PUBLIC CHARGE RULE BLOCKED</p> <p>Federal district court vacates the DHS public charge rule, blocking its implementation nationwide for new cases.</p>
November 3, 2020	<p>PUBLIC CHARGE RULE ALLOWED TO BE IMPLEMENTED</p> <p>U.S. Seventh Circuit court stays the November 2, 2020, ruling, allowing the final public charge rule to be implemented while the district court's ruling is being appealed.</p>
December 2, 2020	<p>INJUNCTION ISSUED BUT NOT IN EFFECT YET</p> <p>U.S. Ninth Circuit court issues an injunction on the rule but the injunction does not go into effect until a mandate is issued.</p>
February 2, 2021	<p>PUBLIC CHARGE RULE UNDER REVIEW</p> <p>President Biden issues an executive order directing agencies to review public charge within 60 days and provide recommendations.</p>
February 22, 2021	<p>SUPREME COURT TAKES ON PUBLIC CHARGE CASE</p> <p>The U.S. Supreme Court announces it will review DHS vs. NY, a case about the legality of the final public charge rule.</p>
March 9, 2021	<p>FINAL PUBLIC CHARGE RULE REMOVED AND RESTORED TO PREVIOUS RULES</p> <p>The Biden Administration announces it will no longer defend the DHS public charge rule in the court case scheduled to be seen by the U.S. Supreme Court. DHS issues a statement that it will return to using previous public charge rules from 1999.</p>
August 23, 2021	<p>ADVANCED NOTICE OF PROPOSED RULEMAKING ISSUED</p> <p>DHS issues an Advanced Notice of Proposed Rulemaking requesting comments on the current public charge rule. This is the first step to amending the rule.</p>

Public charge is a test considered when someone applies for a "Green Card". If a person is deemed likely to become a public charge, their application may be denied. The definition in effect from 1999 guidance is a person who is "likely to become primarily dependent on the government for subsistence." The 2019 final rule sought to change the definition to a person who receives 12 months of Medicaid, SNAP, federal housing assistance, or state or federal cash assistance within a 36-month period.