

March 2022

Introduction

On February 17, the Department of Homeland Security (DHS) released a proposed rule [“2022 notice of proposed rulemaking (NPRM)”] that would largely codify longstanding federal guidance regarding DHS’ authority to refuse a noncitizen’s application for admission or application for visa adjustment (including receipt of a green card) on grounds that they are “likely at any time to become a public charge.” From 1999 until 2019, the federal government interpreted this phrase to mean a noncitizen (subject to various exclusions) who, based on a totality of the circumstances, was likely to become “primarily dependent on government for subsistence as demonstrated by either the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense.”¹ The 2022 NPRM would codify that standard in regulation and includes policy clarifications that appear motivated to provide more certainty to immigrants and their family members about how applying for and using certain benefits would or would not impact public charge determinations. (For education and outreach strategies to communicate with immigrant populations about their public charge concerns, see the State Health and Value Strategies issue brief, *Reshaping the Narrative on Public Charge to Reach Immigrant Populations that Need Affordable Health Insurance*.)

Recent Public Charge Rulemaking and Litigation

In 2019, the Trump administration proposed and later finalized a rule (“2019 Rule”) that would have made it easier for DHS to deny admission or change in legal status for noncitizens based on their receipt of many non-cash public benefits that were excluded from the historical public charge framework. More specifically, the 2019 Rule:

- Expanded the public charge basis of ineligibility to noncitizens who received one or more public benefits for more than an aggregate of 12 months over any 36-month period, counting receipt of two benefits in one month as two months.
- Redefined “public benefit” to include non-cash public benefits, such as Supplemental Nutrition Assistance Program (SNAP) and other food assistance benefits, most forms of Medicaid, and many subsidized housing benefits, in addition to public cash assistance and institutionalization at government expense.
- Considered applications for public assistance as “use,” even if benefits were not ultimately received.

These provisions were widely criticized for “chilling” documented immigrants’ enrollment in and use of public benefits for which Congress expressly made them eligible due to their fears of being deemed a “public charge.” Chilling effects of the 2019 Rule produced deleterious public health and nutritional consequences that disproportionately affected low-income and immigrant communities and increased uncompensated care costs for healthcare facilities.

Following numerous lawsuits, an Illinois federal court’s order vacating the 2019 Rule nationwide, the Biden administration’s decision to not enforce or defend the 2019 Rule in front of the Supreme Court, and the subsequent removal of the 2019 Rule from the code of federal regulations, the 2019 Rule is no longer in effect. Instead, DHS has reverted to applying the public charge inadmissibility statute in accordance with the 1999 Interim Field Guidance that was in effect until 2019.

¹ This standard was established in Field Guidance on Deportability and Inadmissibility on Public Charge Grounds (“Field Guidance”), 64 Fed. Reg. 28689-28693 (May 26, 1999), <https://www.govinfo.gov/content/pkg/FR-1999-05-26/pdf/FR-1999-05-26.pdf>.

Overview of the 2022 NPRM

The 2022 NPRM aims to reset the public charge framework to the historical focus on use of public benefits for “subsistence” rather than use of public benefits to support certain specified needs (i.e., rejecting consideration of food, housing, energy, child care, and healthcare assistance). Leveraging substantial public comments received in response to the Biden administration’s 2021 [Advanced Notice of Proposed Rulemaking](#), the 2022 NPRM appears to be crafted to mitigate the reported chilling effects and negative impacts on health equity that resulted from the 2019 Rule. The preamble to the rule specifically considers the impact of the 2019 Rule on health equity in the context of the COVID-19 pandemic as a rationale to restore the longstanding 1999 guidance standard.

The 2022 NPRM rejects the 2019 Rule’s system of projecting whether a noncitizen would surpass a specific threshold of public benefits use in the future based on their current or past use of non-cash benefits. Under the 2022 NPRM, individuals who rely on their own resources, in addition to some limited government supports, are less readily characterized as public charges. As was longstanding policy under 1999 Field Guidance, the 2022 NPRM directs that individuals may be found likely to become “primarily dependent on the government for subsistence” based upon the use of only two categories of benefits: (1) public cash assistance for income maintenance [e.g., Supplemental Security Income (SSI), cash assistance under the Temporary Assistance for Needy Families (TANF) program, or state or local cash benefits]; and (2) long-term institutionalization at government expense (including Medicaid coverage of nursing home or mental health institution care).

The use of these benefits would be considered in the “totality of the circumstances”—a statutory standard that includes consideration of such factors as age, health, family status, assets, education and skills, and whether an individual has a required Affidavit of Support. Of note, the 2022 NPRM does not adopt the 2019 Rule’s system of evidentiary requirements or weighted factors when DHS evaluates the totality of the circumstances. Instead, DHS is to rely on the 1999 framework of considering the statutory minimum factors and required Affidavits of Support, although DHS seeks comment on the level of evidentiary detail required and how to consider the statutory factors in the totality of the circumstances. The 2022 NPRM also indicates that DHS may periodically issue guidance to adjudicators to inform the totality of the circumstances assessment, including “how these factors affect the likelihood that an immigrant will become a public charge at any time based on an empirical analysis of the best-available data as appropriate.”² Moreover, the 2022 NPRM would improve transparency by requiring denial determinations to be supported by written discussion of each statutory factor.

Comments on the 2022 NPRM are due on April 25. For an analysis of key provisions of the 2022 NPRM and how it differs from the 1999 Field Guidance, as well as how the proposed rule seeks to promote clarity and address the chilling effects caused by elements of the now-repealed 2019 Rule, see the table included in the appendix. And, for additional information on public charge and affordable health coverage for immigrant populations, see the Robert Wood Johnson Foundation resource series, [Supporting Health Equity and Affordable Health Coverage for Immigrant Populations](#).

² 2022 NPRM at 8 CFR 212.22(b).

Appendix: Table of Key Provisions of the 2022 NPRM

The below table describes key provisions of the 2022 NPRM and includes commentary to describe how the proposed rule differs from the 1999 Field Guidance, as well as how the proposed rule seeks to promote clarity and address the chilling effects caused by elements of the now-repealed 2019 Rule. The table provides an overview of the following topics:

- Key Definitions, Concepts, and Standards
- Public Benefits Considered in Public Charge Determinations
- Totality of the Circumstances Analysis
- Applicability
- Public Charge Bonds

Topic Area	2022 NPRM	Analysis
Key Definitions, Concepts, and Standards		
<p>“Likely at any time to become a public charge”</p> <p><i>Proposed</i> 8 CFR 212.21(a)</p>	<p>The preamble to the 2022 NPRM defines “likely” as “more likely than not” at any time in the future based on a totality of the circumstances.</p> <p>A public charge determination would consider whether an individual is likely to be “primarily dependent on the government for subsistence.”</p>	<p>Changes Relative to the 1999 Field Guidance: The 1999 Field Guidance did not include a definition of “likely.” The 2022 NPRM preamble adopts in part the 2019 Rule’s interpretation of “likely” but omits the 2019 Rule’s use of time-based thresholds for past or current public benefit receipt in evaluating a noncitizen’s likelihood to become a public charge.</p> <p>Other Context: The 2019 Rule defined “public charge” more broadly as a noncitizen who receives any of the various in-scope cash and non-cash “public benefits”—those used for subsistence or for support—for more than an aggregate of 12 months within any 36-month period (such that receipt of two public benefits in one month counts as two months).</p> <p>Key Requests for Public Comment: DHS seeks public comment on whether a level of dependence greater or lesser than “primarily” is appropriate.</p>
<p>“Public Benefits”</p>	<p>Not specifically defined in the 2022 NPRM but the concept is explained and referenced throughout that only two forms of public benefits would be considered in inadmissibility determinations on public charge grounds:</p> <ul style="list-style-type: none"> • Public cash assistance for income maintenance; or • Long-term institutionalization at government expense. 	<p>Changes Relative to the 1999 Field Guidance: The key difference between the 1999 Field Guidance and 2022 NPRM standards is the language regarding institutionalization at government expense. The 2022 NPRM refers to “long-term institutionalization” rather than “institutionalization for long-term care” to better describe the specific types of services covered and the duration for receiving them (for further explanation, see “Long-Term Institutionalization at Government Expense”).</p>
<p>“Receipt” (of Public Benefits)</p> <p><i>Proposed</i> 8 CFR 212.21(d)</p>	<p>Receipt of public benefits only includes when a public benefit-granting agency provides specific in-scope public benefits to a noncitizen who themselves applies for such benefits, and only where the noncitizen is listed as an enrollee.</p>	<p>Changes Relative to the 1999 Field Guidance: Under the 2022 NPRM (and similar to the 2019 Rule) neither merely applying for a public benefit on one’s own behalf or on behalf of another, nor being approved for future receipt of a public benefit, would constitute “receipt” of public benefits. The 2022 NPRM also clarifies that a noncitizen’s receipt of public benefits solely on behalf of another, or the receipt of public benefits by another individual (even if the noncitizen assists in the application process), would also not constitute receipt of public benefits by the noncitizen. The 1999 Field Guidance considered whether a noncitizen’s family is reliant on public benefits as the sole means of support for the family. DHS deemed the departure from the 1999 Field Guidance “necessary” to mitigate significant chilling effects that may otherwise ensue.</p>

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		<p>Other Context: While the 2019 Rule did not consider applying for public benefits as constituting receipt of public benefits, it does instruct that applying for public benefits “may suggest a likelihood of future receipt.”</p> <p>Key Requests for Public Comment: Demonstrating an awareness of concerns regarding the “chilling effect” caused by the 2019 Final Rule, DHS seeks public comment on the most effective ways to communicate to the public which benefits are covered by the rule, that benefit use would be considered in the totality of the noncitizen’s circumstances, and that current or past benefit use is only considered for certain categories of noncitizens (see further discussion below). DHS specifically invites comments on how to communicate to parents of United States (U.S.) citizen children that the receipt of benefits by such children would not be considered as part of a public charge inadmissibility determination for the parents.</p>
<p>“Government” (in the context of primary dependence on government assistance)</p> <p><i>Proposed 8 CFR 212.21(e)</i></p>	<p>“Government” includes any federal, state, Tribal, territorial, or local government entity or entities of the United States.</p>	<p>Changes Relative to the 1999 Field Guidance: The 2022 NPRM, similar to the 1999 Field Guidance, proposes to tie the definition of “public charge” to receiving certain types of government cash assistance (in addition to long-term institutionalization at government expense), and specifically adds Tribal and territorial entities in its definition to more accurately capture the entire scope of government cash assistance benefits.</p> <p>Key Requests for Public Comment: DHS welcomes comments on whether to define government in this rule and, if so, whether it should be limited to federal, state, Tribal, territorial, and local entities. DHS also welcomes public comments on whether there is an alternative definition for government that better captures the benefits indicative of primary dependence for subsistence.</p>
Public Benefits Considered in Public Charge Determinations		
<p>“Public Cash Assistance for Income Maintenance”</p> <p><i>Proposed 8 CFR 212.21(b)</i></p>	<p>Only the following forms of “public case assistance for income maintenance” are to be considered in a public charge determination:</p> <ul style="list-style-type: none"> • Supplemental Security Income (SSI). • Cash assistance for income maintenance under Temporary Assistance for Needy Families (TANF) block grants. • State, Tribal, territorial, or local cash benefit programs for income maintenance, including check or other money instruments. 	<p>Changes Relative to the 1999 Field Guidance: The standards articulated in the 1999 Field Guidance and 2022 NPRM are generally the same, although the preamble to the 2022 NPRM explicitly calls out additional specific examples for included and excluded benefits for further clarity, likely in response to the more expansive 2019 Rule and its chilling effects.</p> <p>Other Context: In contrast to the 2019 Rule, the 2022 NPRM considers the nature of the benefit program in light of public health and other public policy decisions. According to historical practice, the 2022 NPRM generally omits in-kind supplemental benefits (those stated above as included in the 2019 Rule’s scope) from its conception of public benefits considered in inadmissibility determination on public charge grounds as they do not on their own provide sufficient resources to support an individual or family. The preamble to the 2022 NPRM is clear that public cash assistance for income maintenance excludes all special purpose cash assistance, all in-kind public benefits (except for long-term institutionalization at government expense), and other benefits or services funded through programs that also offer cash assistance for income maintenance. For clarity, the preamble lists various forms of assistance that are not included:</p> <ul style="list-style-type: none"> • Other benefits or services funded by TANF block grants; • State, Tribal, territorial, or local cash payments that are provided for child care assistance or other supplemental, special purposes; • Special purpose benefits (e.g., Low Income Home Energy Assistance Program);

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		<ul style="list-style-type: none"> • Disaster assistance, even if as cash assistance for income maintenance, under the Stafford Act, Federal Emergency Management Agency's Individuals and Households Program, or as provided by state, Tribal, territorial, or local governments; • COVID-19 relief, including Economic Impact Payments; • Assistance not intended to maintain a person at a minimum level of income, such as targeted aid to survivors of trafficking or crime; and • Earned cash benefits, including Title II Social Security benefits, government pension benefits, unemployment insurance, veterans benefits, and benefits received via tax credits or deductions.
<p>“Long-Term Institutionalization at Government Expense”</p> <p><i>Proposed 8 CFR 212.21(c)</i></p>	<p>Long-term institutionalization at government expense means institutionalization in a nursing home or mental health institution, the costs of which are paid for by the government. In the case of Medicaid, it is limited to institutional services under section 1905(a) of the Social Security Act (SSA), which is the only Medicaid benefit included in public charge inadmissibility determinations.</p>	<p>Changes Relative to the 1999 Field Guidance: The 2022 NPRM changes the 1999 Field Guidance language (“institutionalization for long-term care at government expense”) to better describe the specific types of services covered and the duration for receiving them. The 1999 Field Guidance standard was designed to capture individuals permanently residing in a long-term institution and relying on government assistance for long-term care services. The 2022 NPRM’s change to “long-term institutionalization” aligns with section 1905(a) of the SSA.</p> <p>Other Context: The 2022 NPRM and its preamble specifically excludes from “long-term institutionalization at government expense” the receipt of home and community-based services (HCBS), imprisonment for conviction of a crime, institutionalization for short periods for rehabilitation purposes, and evidence of institutionalization in violation of federal discrimination laws, such as the Americans with Disabilities Act.</p> <p>Key Requests for Public Comment: The 2022 NPRM proposes to direct adjudicators to evaluate evidence that past or current institutionalization is in violation of federal law. DHS seeks comment on specific types of evidence relevant to this inquiry. DHS also seeks comment and submission of data on specific lengths of time for, or lengths of stay in, long-term care in a range of institutional settings to inform its characterization of long-term institutionalization.</p>
Totality of the Circumstances Analysis		
<p>Weighting of Statutory Minimum Factors (health; family status; assets, resources, and financial status; and education and skills)</p> <p><i>Proposed 8 CFR 212.22(a)(1) and (b)</i></p>	<p>Codifies factors that must be considered in a public charge determination laid out in the immigration statute without elaborating on definitions or standards. The 2022 NPRM and its preamble are clear that the existence or absence of a particular factor should never be the sole criterion for determining the likelihood of becoming a public charge, as all factors are considered in the totality of the circumstances. No weighting criteria or positive/negative association with particular factors is given.</p>	<p>Changes Relative to the 1999 Field Guidance: N/A.</p> <p>Other Context: The 2019 Rule departed significantly from the 1999 Field Guidance standard by requiring the applicant noncitizen to submit evidentiary support for each factor. The 2019 Rule alone also allocated weights to certain factors and assigned positive/negative association with particular factors. The 2022 NPRM proposes to codify the prior 1999 Field Guidance standard, rejecting designation of some factors as always heavily weighted because such designation is contrary to an individualized assessment of the totality of the circumstances. The relative weight assigned to each factor would necessarily be determined by the presence or absence of specific facts under an individualized assessment of the evidence submitted. DHS proposes to periodically issue guidance regarding how the factors affect the likelihood of becoming a public charge based on empirical analysis of the best available data.</p> <p>Key Requests for Public Comment: DHS seeks comment on how to consider each of the statutory minimum factors in the totality of the circumstances, evidence and data that may inform such consideration and what evidence applicants must initially provide regarding each factor, how to consider such factors without placing unreasonable evidentiary burdens on applicants, and methodology to use for determining predictive value. DHS also seeks comment on how to</p>

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<p>Consideration of Affidavits of Support</p> <p><i>Proposed 8 CFR 212.22(a)(2) and (b)</i></p>	<p>Considers a sufficient Affidavit of Support in the totality of the circumstances along with the statutory minimum factors and instructs adjudicators to consider a sufficient Affidavit of Support “favorably”, but to treat the lack of an Affidavit of Support, when required, as sufficient to control a decision on public charge inadmissibility.</p>	<p>further define or apply each factor. DHS specifically invites comments on the specific questions that should be included on the updated form I-485, which DHS will use to adjudicate public charge determinations, with a particular focus on questions to include without placing an unreasonable evidentiary burden on the public or significantly delaying adjustment of status adjudications by DHS.</p> <p>Changes Relative to the 1999 Field Guidance: While the 1999 Field Guidance implied that the lack of an Affidavit of Support, when required, is sufficient to control a decision on public charge inadmissibility, the 2022 NPRM codifies the implication and states that adjudicators will “favorably consider” a sufficient Affidavit of Support. The 2022 NPRM also notes that adjudicators should treat the lack of an Affidavit of Support, when required, as sufficient to control a decision on public charge inadmissibility.</p> <p>Other Context: The 2019 Rule instructed DHS to consider the likelihood that the sponsor who executed the affidavit “would actually provide the statutorily required amount of financial support to the alien, and any other related considerations” and indicated that an affidavit is a positive factor unless evidence suggested the sponsor’s inability or unwillingness to financially support the noncitizen. The 2022 NPRM rejects this standard as unnecessary.</p> <p>Key Requests for Public Comment: DHS invites comments on data regarding the connection between being a sponsored noncitizen who has submitted a sufficient Affidavit of Support and the likelihood of being primarily dependent on the government for subsistence.</p>
<p>Consideration of Current and/or Past Receipt of Public Benefits</p> <p><i>Proposed 8 CFR 212.22(a)(3)</i></p>	<p>Considers the amount, duration, and recency of actual past or current receipt of public benefits as just one factor in the totality of the circumstances. DHS does not consider current or past receipt of either cash assistance for income maintenance or long-term institutionalization at government expense, alone, as automatically rendering a noncitizen likely at any time to become a public charge.</p>	<p>Changes Relative to the 1999 Field Guidance: The 2022 NPRM specifically notes that given significant advancements in availability of Medicaid-funded HCBS since 1999, prior long-term institutionalization may not be as indicative of likelihood to need or receive future long-term institutionalization at government expense as it was in 1999. Additionally, under the 2022 NPRM, DHS will consider evidence submitted by an applicant that past institutionalization violated federal law. Both clarifications may serve to decrease the weight assigned to an applicant’s past long-term institutionalization at government expense in a totality of the circumstances evaluation.</p> <p>Other Context: The 2019 Rule would have assigned negative weight in the totality of the circumstances to application for, approval to receive, or actual receipt of its in-scope public benefits. Heavy weight would have been assigned to past or current receipt of or approval to receive such public benefits for more than an aggregate of 12 months in any 36-month period. The 2022 NPRM does not assign heavy weight to any factor, though, noting that doing so is contrary to the heavily fact-dependent nature of the totality of the circumstances inquiry.</p>
<p>Consideration of Disability</p> <p><i>Proposed 8 CFR 212.22(a)(4)</i></p>	<p>States that the presence of a disability (as defined by section 504 of the SSA) or any other medical condition is not alone a sufficient basis to determine that a noncitizen is likely at any time to become a public charge. Instead, an adjudicator must take into account all factors in the totality of the circumstances test.</p>	<p>Changes Relative to the 1999 Field Guidance: The 1999 Field Guidance only references disability in reference to a single application of the totality of the circumstances test in 1964, in which the Attorney General stated that some “specific circumstances, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present” in the totality of the circumstances test to render a noncitizen likely at any time to become a public charge. The 2022 NPRM, taking into account significant public comment on how disability should be treated, clarifies that disability alone is an insufficient basis to determine whether an applicant is likely to become a public charge. DHS does not presume that having a disability alone means an individual is either in poor health or is likely to receive in-scope public</p>

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		<p>benefits, or that such disability itself necessarily negatively impacts other statutory minimum factors.</p> <p>Other Context: While the 2019 Rule did not explicitly mention disability in the regulatory text, a number of negatively weighted factors under the 2019 Rule adversely impacted applicant noncitizens who have disabilities (e.g., the 2019 Rule would have treated receipt of disability services through Medicaid as a heavily weighted negative factor).</p>
<p>Documentation of Denial Decisions</p> <p><i>Proposed 8 CFR 212.22(c)</i></p>	<p>Requires that every written denial decision based on a totality of the circumstances must reflect consideration of each of the statutory minimum factors and specifically articulate the reasons for the adjudicator's determination.</p>	<p>Changes Relative to the 1999 Field Guidance: The standards articulated in the 1999 Field Guidance and 2022 NPRM are generally the same, although the preamble to the 2022 NPRM instructs adjudicators to specifically discuss in writing each factor in relation to their determination. The 2022 NPRM notes that additional clarity was necessary to ensure that denials are made on a case-by-case basis in light of the totality of the circumstances.</p>
Applicability		
<p>EOS or COS Applications and Petitions</p>	<p>Does not propose any conditions on extension of stay (EOS) or change of status (COS) applications and petitions based on receipt of public benefits.</p>	<p>Changes Relative to the 1999 Field Guidance: N/A.</p> <p>Other Context: The 2019 rule required individuals seeking EOS or COS to establish non-receipt of public benefits for more than an aggregate of 12 months within any 36-month period since obtaining current non-immigrant status.</p>
<p>Exclusions from Receipt of Public Benefits; Exempt Categories</p> <p><i>Proposed 8 CFR 212.22(d); 8 CFR 212.23(a)</i></p>	<p>Proposes that DHS not consider any public benefits received by a noncitizen during periods in which the noncitizen was classified in an immigration category that is exempt from the public charge ground of inadmissibility.</p>	<p>Changes Relative to the 1999 Field Guidance: The 1999 Field Guidance did not address treatment of a noncitizen applicant's receipt of public benefits while classified in an exempt category. The 2022 NPRM notes that Congress did not exempt from public charge grounds of inadmissibility noncitizens who are applying for admission or adjustment in a category subject to the public charge ground but who, in the past, were in a category of noncitizen exempt from public charge determinations. DHS proposes to use its discretionary authority to extend exclusions such that a noncitizen's past receipt of public benefits while they were classified in an exempt category would not be later penalized upon future application for adjustment of status or admission.</p> <p>Other Context: The 2019 Rule excluded from consideration receipt of public benefits by noncitizens in a number of categories, carving out certain subgroups of noncitizens such as children and pregnant individuals that received Medicaid. The 2022 NPRM notes that it does not similarly exclude such various subgroups because doing so is unnecessary given the 2022 NPRM's exclusion of certain public benefits writ large that were included in the 2019 Rule. In essence, the 2019 Rule captured more types of public benefits (i.e., non-cash benefits) but carved out certain populations whose receipt of public benefits would otherwise be considered in the totality of the circumstances; the 2022 NPRM does not include such benefits in the first instance and therefore the subgroups carved out by the 2019 Rule would not be included in (or need to be excluded from) the scope of a public charge inadmissibility determination.</p>
<p>Exclusions from Receipt of Public Benefits; Those Granted Refugee Benefits</p> <p><i>Proposed 8 CFR 212.22(a) and (e)</i></p>	<p>See above, as specifically applied to refugees and asylees who receive public benefits while classified in such exempt status.</p>	<p>Changes Relative to the 1999 Field Guidance: See above, as specifically applied to refugees and asylees who receive public benefits while classified in such exempt status.</p> <p>Other Context: The 2022 NPRM specifically applies public charge exclusions to the use of public benefits by Afghans recently resettled in the United States under Operation Allies Welcome (OAW), and by "unaccompanied alien child[ren]" as defined under 6 U.S.C. 279(g) (2), as they are not refugees admitted under section 207 of the INA, 8 U.S.C. 1157, but are still eligible for resettlement assistance, entitlement programs, and other public benefits available to refugees. The 2022</p>

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		NPRM also applies public charge exclusions to the use of public benefits by noncitizen victims of trafficking and crime given the unique needs, vulnerabilities, and circumstances of such persons and their eligibility for public benefits regarding healthcare, housing, education, and legal assistance
Exclusions from Receipt of Public Benefits; Waiver <i>Proposed 8 CFR 212.23(c)</i>	Excludes consideration of any public benefits received by a noncitizen for which the noncitizen received a waiver of public charge inadmissibility.	Changes Relative to the 1999 Field Guidance: The 1999 Field Guidance did not address treatment of a noncitizen applicant's receipt of public benefits for which the applicant received a waiver of public charge grounds of inadmissibility.
Exemptions from Public Charge Inadmissibility Grounds <i>Proposed 8 CFR 212.23(a)(29) and (c) (3)</i>	Includes two additional exceptions in its list of the exemptions from and waivers of the public charge ground of inadmissibility: one pertaining to certain Syrian nationals adjusting status under Public Law 106-378 and one exemption for applicants for adjustment of status under Liberian Refugees Immigration Fairness.	Changes Relative to the 1999 Field Guidance: Neither additional exemption was included in the 1999 Field Guidance. The 2022 NPRM notes that admission of these noncitizens serves distinct public policy goals separate from the immigration system. Other Context: The 2022 NPRM notes that the 2019 Rule's failure to include an exemption for Syrian nationals adjusting status under Public Law 106-378 was an inadvertent oversight.
Limited Exemptions from Public Charge Inadmissibility Grounds <i>Proposed 8 CFR 212.23(b)</i>	In certain circumstances, noncitizens seeking adjustment of status who are in T nonimmigrant status, U nonimmigrant status, VAWA self-petitioners, and "qualified aliens" described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) must submit an Affidavit of Support if they are applying for adjustment of status based on an employment-based petition that requires such an affidavit of support.	Changes Relative to the 1999 Field Guidance: The 2022 NPRM proposes to codify this limited exemption, which was not addressed in the 1999 Field Guidance.
Public Charge Bonds		
Acceptance of Public Charge Bonds 8 CFR 213.1 and 8 CFR 103.6	N/A.	Changes Relative to the 1999 Field Guidance: N/A. Other Context: The 2019 Rule included detailed public charge bond provisions, which the 2022 NPRM does not adopt as existing regulations provide an adequate framework for DHS to exercise its discretion.

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