

Mobility: immigration alert

March 2021

United States

Form I-944, Declaration of Self-Sufficiency discontinued

Executive summary

On 9 March 2021, United States Citizenship and Immigration Services (USCIS) announced that it will no longer require Form I-944 Declaration of Self Sufficiency, or any evidence or documentation required on that form when filing for Adjustment of Status.

Background and Analysis

On 2 February 2021, President Biden issued Executive Order 14012, directing the Secretary of Homeland Security to review the actions of the Department of Homeland Security (DHS) related to the implementation of the public charge ground of inadmissibility. As part of its review, DHS announced that defending the 2019 Public Charge Rule is neither in the public interest nor an efficient use of limited government resources. As a result, the Department of Justice (DOJ) will no longer pursue appellate review of judicial decisions invalidating or restricting the rule's enforcement. Consistent with this announcement, on 9 March 2021 the DOJ filed motions to dismiss its pending appeals in various circuit courts. Following a dismissal in the seventh circuit, the final judgement from the Northern District of Illinois, which vacated the 2019 Public Charge Rule, went into effect.

As such, the 1999 interim field guidance on the public charge admissibility is now in effect and does not require filing of new form I-944s.

What this means

As of 9 March 2021, USCIS will no longer require applicants filing for adjustment of status to include Form I-944, Declaration of Self Sufficiency. Additionally, the extensive list of supporting documentation previously required for Form I-944 (including tax returns, credit reports, health insurance, proof of assets, and other personal financial documents and information) will not need to be included as part of I-485 adjustment of status applications, effective immediately.

If an applicant previously included Form I-944 with an adjustment of status application that remains pending, USCIS will not consider any information provided that relates solely to the 2019 Public Charge Rule when adjudicating the application. If an applicant has received a Request for Evidence (RFE) relating to the I-944 and the RFE is due on or after 9 March 2021, we recommend responding to it with a copy of the USCIS website which advises that the I-944 requirement has been discontinued. That can be found here: <https://www.uscis.gov/i-944>. Individuals should, however, continue to respond to other aspects of RFEs apart from the I-944 that otherwise pertain to the eligibility for the immigration benefit sought.

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our U.S. immigration professionals.



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