



# U.S. IMMIGRATION & COVID-19: KEY MESSAGES

1. Getting vaccinated, tested, or treated for COVID-19 will **NOT** hurt a person's current or future immigration status or ability to become a U.S. citizen.
2. **COVID-19 Vaccines are REQUIRED** for mandatory medical examinations for immigration, with few exceptions.
3. Getting other COVID-19 public benefits will **NOT** affect a patient's immigration status, residency, or citizenship application.
4. **U.S. Citizenship & Immigration Services will ONLY consider benefits listed in the [1999 Interim Field Guidance](#) when determining Public Charge status.**



# Public Charge & COVID-19

30 September 2022

+ 21 October 2022

# What is a Public Charge?

“The “public charge” inadmissibility test [was] established by the U.S. Congress in 1883 and allows the U.S. government to deny:

- an immigrant a green card
- an extension of a visa
- admission into the U.S. (Note: there are different public charge rules that govern applications processed at consular offices abroad.)

When deciding whether to grant an applicant a green card or an extension of a visa, an immigration officer must determine whether the individual is likely to become a ‘public charge,’ that is, primarily dependent on the government for support.”

<https://www.cssny.org/pages/public-charge-immigration-explainer>

PUBLIC CHARGE: <https://www.ilrc.org/public-charge>

“Public charge” is a ground of inadmissibility.

[i.e.] **reasons that a person could be denied a green card, visa, or admission into the United States** because that person is likely to become dependent on certain government benefits in the future, **which would make them a “public charge.”**

It is not a test that applies to everyone, not even to all those applying for green cards.”

# HISTORY OF PUBLIC CHARGE

**1882**

## IMMIGRATION ACT OF 1882

Excluded “any person unable to take care of him/herself without becoming a public charge.”

**1952**

## IMMIGRATION AND NATIONALITY ACT (INA)

Contained provision defining inadmissibility as “who ... at the time of application for a visa or ... at the time of application of admission or adjustment of status who is likely to become a public charge.”

**1996**

## EXPANDED THE INA

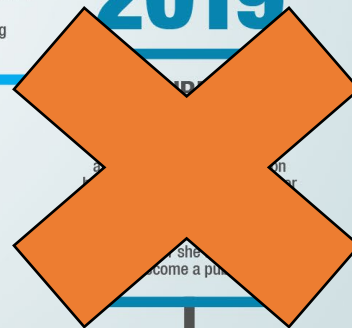
To include the following as minimum criteria for consideration in determining inadmissibility: “age, health, family status, assets, resources, financial status, and education and skills...”

**1999**

## FIELD GUIDANCE

issued on determining public charge

**2019**



“As of March 9, 2021, [the 2019 Public Charge rule] HAS BEEN REPEALED.

**The 1999 Interim Field Guidance on public charge HAS BEEN RESTORED and is now in effect.**

Thus, when reviewing petitions on or after March 9<sup>th</sup>, the Department of Homeland Security will be using the 1999 Interim Field Guidance to determine public charge.”

# National Immigration Law Center:

“Will getting vaccinated affect an individual’s immigration status or immigration applications?”

**No — Getting vaccinated for COVID-19 will not have a negative effect on a person’s current or future immigration status or ability to become a U.S. citizen.**

Immigrants who are applying to become lawful permanent residents, or otherwise subject to a mandatory medical examination for immigration purposes, **are required to be fully vaccinated against COVID-19** with a vaccine approved by the World Health Organization unless USCIS grants them a waiver.”

# U.S. Citizenship & Immigration Services (USCIS):

**“Q1: Will receiving free COVID-19 testing, vaccinations, or treatment be used in determining whether someone is a public charge? \***

**A1: No...**we do not consider public assistance for immunizations and for testing and treating communicable diseases. We do not consider receipt of Medicaid and other public health insurance and health services. This includes health clinics, short-term rehabilitation services, and emergency medical services.

**We encourage everyone, regardless of immigration status, to receive the COVID-19 vaccine. We also encourage everyone, including noncitizens, with COVID-19 symptoms (such as fever, cough, shortness of breath) to seek necessary medical treatment or preventive services. Such treatment or preventive services will not affect any public charge determination, now or in the future.”**



# U.S. Citizenship & Immigration Services (USCIS):

**“Q2: What about other COVID-19 public benefits, such as for food, housing, cash assistance, rental assistance, tax credits, stimulus payments, unemployment, financial aid grants to students, Paycheck Protection Program, and student loan forbearance? \***

**A2: We do **not** consider public benefits specifically related to COVID-19 because they generally fall under either noncash benefits or special-purpose cash benefits not considered under the 1999 Interim Field Guidance. We consider only those benefits listed in the 1999 Interim Field Guidance, such as cash assistance for income maintenance (for example, SSI and TANF) and General Assistance (in other words, cash assistance provided by states or localities), as well long-term institutionalization provided at a government’s expense.”**





# Exceptions to Mandatory COVID-19 Vaccination:

USCIS may grant blanket waivers if the COVID-19 vaccine is:

- Not age-appropriate;
  - Contraindicated due to a medical condition;
  - Not routinely available where the civil surgeon practices; or
  - Limited in supply and would cause significant delay for the applicant to receive the vaccination.
- Individuals may also apply for individual waivers based on religious beliefs or moral convictions by submitting [Form I-601, Application for Waiver of Grounds of Inadmissibility](#).



# Other Links

- USCIS Public Charge Overview: <https://www.uscis.gov/public-charge>
- USCIS COVID-19 Vaccination Requirements: <https://www.uscis.gov/newsroom/alerts/covid-19-vaccination-required-for-immigration-medical-examinations>
- National Immigration Law Center: <https://nilc.org>
- 1999 Field Guidance on Deportability and Inadmissibility on Public Charge Grounds: <https://www.govinfo.gov/content/pkg/FR-1999-05-26/pdf/99-13202.pdf>
- Immigrant Legal Resource Center: <https://ilrc.org>



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