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The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20582

Dear Acting Secretary Wolf:

We write to urge you to exclude receipt of any COVID-19-related assistance from the public charge determination for applicants seeking admission or an adjustment of status. During this global COVID-19 pandemic, it is imperative that everyone, including immigrants, be able to access all forms of assistance to mitigate harm to the public health and economy of the United States.

On February 24, 2020, U.S. Citizenship and Immigration Services (USCIS) implemented the Inadmissibility on Public Charge Grounds final rule, which requires applicants seeking admission or adjustment of status to demonstrate that they have not received public benefits over a designated threshold. This rule also expanded the definitions for public charge and public benefits, and lowered the standard that U.S. Department of Homeland Security (DHS) utilized when determining whether someone is likely to become a “public charge” at any time in the future—changes that will discourage applicants from seeking necessary health care, including health care benefits they are eligible for and not part of the public charge analysis, out of fear of impacting their future status. Consequently, we have opposed the public charge rule since the Trump Administration issued the initial Notice of Proposed Rulemaking.

While the USCIS alert encouraging all COVID-19 symptomatic individuals to seek treatment and stating that “such treatment or preventive services will not negatively affect any alien as part of a future Public Charge analysis” is a step in the right direction, it is insufficient.¹ As the alert later states, “the rule requires USCIS to consider the receipt of certain cash and non-cash public benefits, including those that may be used to obtain testing or treatment for COVID-19 in a public charge inadmissibility determination, and for purposes of a public benefit condition applicable to certain nonimmigrants seeking an extension of stay or change of status.” Assurances that applicants may submit explanatory statements and USCIS will “take all such evidence into consideration in the totality of the alien’s circumstances” are wholly inadequate to alleviate the fears of would-be applicants.

Our preference would be a full rescission of the Administration’s Public Charge Grounds final rule. Our appeals for such action, however, have been ignored. In the absence of a full rescission, USCIS must make clear through policy guidance, website, and stakeholder engagement that any public assistance related to the COVID-19 crisis—whether medical assistance for COVID-19 testing or treatment or other type of relief—will be exempt from any public charge determination. Inaction by DHS will prevent people from seeking medical care or accessing other assistance necessary to keep everyone safe.

Due to the exigent nature of the circumstances surrounding this issue, we respectfully request a response within 15 days.

Best Regards,



Gerald E. Connolly
Member of Congress

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Washington, DC 20515-4611

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