



PUBLIC CHARGE APPLICABILITY TO APPLICATIONS AND FORMS OF RELIEF

APPLICATION OR FORM OF RELIEF	PUBLIC CHARGE APPLIES?	AUTHORITY	NOTES
Family-sponsored I-485 Adjustment in the U.S.	Yes	INA §212 (a)(4)(A)	Any beneficiary or derivative of an I-130 is subject to public charge, must file an Affidavit of Support or exemption
Family-sponsored Immigrant Visa	Yes	INA § 212(a)(4)(A)	See 9 FAM 302.8 ¹ or 22 C.F.R. § 40.41
Employment-based I-485	Yes	INA §212 (a)(4)(A)	Affidavit of support is required only if petitioner is a relative with significant ownership interest in the employing entity. INA § 212(a)(4)(D)
VAWA I-360 Self-Petition	No	INA §212 (a)(4)(E)(i)	
VAWA Adjustment	No	INA §212(a)(4)(E)(i) Sec. 804 VAWA 2013	Submit I-864W exemption
VAWA Suspension/Cancellation	No	INA §212(a)(4)(E)(iii), 8 USC § 1641(c)(1)(B)(v)	
U Visa Applicant	No	INA §212(a)(4)(E)(ii)	
U Adjustment	No	INA §245(m)	
T Visa	No	INA §212(d)(13)(A)	
T Adjustment	No	INA § 212(a)(4)(E)(iii); 8 U.S.C. § 1641(c)(4)	The T adjustment statute at INA 245(l)(2)(A) and regulation have not been updated to reflect this ²
Refugee	No	INA §207(c)(3)	
Asylee and Refugee Adjustment	No	INA §209(c)	
Special Immigrant Juveniles	No	INA §245(h)(2)(A)	
Temporary Protected Status	No	8 CFR §244.3(a)	
Widow/Widowers of U.S. Citizen	No	INA § 212(a)(4)(E)(iii); 8 U.S.C. § 1641(c)(1)(B)(i)	Submit I-864W exemption 8 CFR §213A.2(a)(2)(ii)(A)
Relief under Cuban Adjustment Act	No	<i>Matter of Mesa</i> , 12 I&N Dec. 432, 437 (BIA 1967)	

APPLICATION OR FORM OF RELIEF	PUBLIC CHARGE	AUTHORITY	NOTES
Nicaraguans and Cubans adjusting through NACARA	No	INA §245, note 9 NACARA Pub. L. 105-100 Sec. 202(a)(1)(B)	
Haitian Refugee Immigration Fairness Act (HRIFA)	No	INA §245, note 10 8 CFR §245.15(e)	
Applicants for asylum	No	INA §208(b)	
DACA	No		
Registry	No	INA §249	
Cancellation or Suspension relief	No	INA §240A(a) and (b)	
Naturalization	No	inapplicable	Unless travel as LPR abroad for more than 180 days INA §101(a)(13)(C)(ii). See ILRC's manual, Public Charge and Immigration Law, ch. 9 for a full discussion of risks that LPRs face in certain circumstances due to long absence from the U.S. or prior history of fraudulent receipt of public benefits

¹ The Foreign Affairs Manual requires immigrant visa applicants to have a qualifying I-864 in addition to other financial documents evidencing "positive factors." See ILRC, Consular Processing Alert on Public Charge and Affidavit of Support Issues (July 2018) <https://www.ilrc.org/consular-processing-practice-alert-public-charge-and-affidavit-support-issues>.

² The Trafficking Victims Protection Act of 2000 and Violence Against Women Act of 2013 exempt T adjustment applicants from the public charge ground of inadmissibility.