PUBLIC CHARGE TIMELINE

**JANUARY 3, 2018**
Department of State (DOS) revised Foreign Affairs Manual (FAM) guidance on public charge

**OCTOBER 10, 2018**
Department of Homeland Security (DHS) proposed public charge rule published in Federal Register

**AUGUST 14, 2019**
Final DHS public charge rule published in Federal Register, with October 15, 2019 effective date

**OCTOBER 11, 2019**
DOS public charge interim final rule published in Federal Register, with October 15, 2019 effective date; implementation delayed awaiting finalization of new form, Public Charge Questionnaire

**OCTOBER 11, 2019**
First of multiple nationwide injunctions issued, blocking final DHS public charge rule from taking effect while legal challenges continue

**OCTOBER 24, 2019**
DOS published proposed form, DS-5540 Public Charge Questionnaire, open for public comment until December 23, 2019

**LEGEND**

- DOS/Consulates
- DHS/USCIS

**SO WHERE ARE WE NOW?**

Old DHS/USCIS public charge policy, based on guidance from 1999, continues to apply to adjustment of status cases, as it has for the last twenty years.

At the consulates, the 2018 FAM revisions continue to guide consular officers because DOS is delaying implementation of their interim final rule until the new form DS-5540, Public Charge Questionnaire, is finalized. This new form will not be finalized until sometime after December 23, 2019 and thus most assume the interim final rule will not be implemented until next year. However, no litigation has been filed to date challenging the new DOS rule. Note that litigation challenging the 2018 FAM revisions to DOS public charge adjudications is ongoing.

For more details, see “SUMMARY OF LEGAL STATE OF AFFAIRS.”