

USCIS Proposed Rule: Public Charge Ground of Inadmissibility

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### **Questions for the Public**

1. What standard should DHS use to determine whether to exercise its discretion and authorize a noncitizen inadmissible only under the public charge ground to submit a public charge bond?
2. Should DHS establish a minimum bond amount? If yes, how should DHS establish that minimum bond amount and how should DHS adjust that minimum bond amount over time?
3. What factors should DHS consider in establishing a bond amount for a particular inadmissible noncitizen?
4. Under what circumstances should DHS consider a public charge bond breached?
5. Under what circumstances should DHS consider a public charge bond cancelled?

### **Questions for State, Territorial, Local, and Tribal Benefit Granting Agencies and Nonprofit Organizations**

1. What costs, if any, has your agency or organization incurred in order to implement changes in public charge policy, such as revising enrollment procedures and public-facing materials? Please provide relevant data.
2. What costs, if any, has your agency or organization incurred as a result of reduction in enrollment, or disenrollment in public benefits programs generally? Please provide relevant data.
3. What costs, if any, has your agency or organization incurred as a result of disenrollment or reduction in enrollment in public benefits programs caused by the public charge ground of inadmissibility, the 1999 Interim Field Guidance, or the vacated 2019 Final Rule? Please provide relevant data.
4. With respect to the specific types of public benefits overseen by your agency, under what circumstances is the receipt of such benefits relevant, if at all, to assessing whether or not an individual is likely at any time to become a public charge?
5. What, if any, specific concerns does your agency or organization have about how DHS applies the public charge ground of inadmissibility and how should DHS address those concerns?
6. What data does your agency or organization have that can be shared to demonstrate any potential impact of the public charge ground of inadmissibility, the 1999 Interim Field

Guidance, or the vacated 2019 Final Rule on applications for or disenrollment from public benefits by individuals who are eligible for such benefits?

7. What information, data, or studies does your agency or organization have that can be shared that would help DHS identify factors or patterns of benefit use (e.g., duration, frequency, or extent of benefits use) that suggest whether and to what extent individuals would be likely to use public benefits in the future?
8. How should DHS reduce the possibility that individuals who are eligible for public benefits overseen by your agency would decide to forgo the receipt of those benefits out of concern that receipt of such benefits will make them (or a family member or household member) inadmissible on public charge grounds, even if receipt of such a benefit would not be considered by DHS in a public charge determination, or would not be a decisive factor in a public charge inadmissibility determination?