

# Update on Public Charge

Last Updated: August 7, 2020

On Wednesday, July 29, the United States District Court for the Southern District of New York enjoined the Department of State from “enforcing, applying, implementing, or treating as effective” the Department’s October 2019 interim final rule and accompanying Foreign Affairs Manual guidance related to the public charge ground of visa ineligibility. The Department is complying with the court’s order and is in the process of updating its guidance to consular officers on how to proceed under the preliminary injunction. In the interim, visa applications that appear to be ineligible under INA 212(a)(4) will be refused for administrative processing to allow for consultation with the Department, including legal review to ensure compliance with applicable court orders. Visa applicants are not requested to take any additional steps at this time and should attend their visa interviews as scheduled. Applicants are not required to complete nor should they present the DS-5540, Public Charge Questionnaire.