

Court Again Allows Use of Form I-944

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As we previously [reported](#), USCIS Form I-944 has been the subject of ongoing litigation, with various USCIS stakeholders challenging the form's continued use. 'However, due to a recent Second Circuit Court of Appeals' decision, the form can be used once again, and USCIS is free to require the form by all Form I-485 applicants nationwide and continue the implementation of its public charge rule.

On Sept. 11, 2020, the Second Circuit, in *State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli*, granted a full stay of the July 29, 2020, injunction; the underlying injunction stopped the U.S. Department of Homeland Security (DHS) from enforcing, applying, implementing, or treating as effective the public charge rule during a declared national health emergency. This full stay allows DHS to resume implementing the Inadmissibility on Public Charge Grounds Final Rule nationwide, including in New York, Connecticut and Vermont.

The United States Citizen and Immigrations Services (USCIS) will apply the public charge final rule to all applications and petitions postmarked or submitted electronically on or after Feb. 24, 2020. This includes all pending applications and petitions. However, USCIS will not re-adjudicate any applications and petitions that have already been approved following the issuance of the July 29, 2020, injunction and continuing until the issuance of this update, Sept. 22, 2020.

According to the new [USCIS instructions](#) on its webpage, if an applicant filed their Form I-485, Application to Register Permanent Residence or Adjust Status, after Feb. 24, 2020, but they did not previously include the Form I-944 and supporting evidence, they may be required to file Form I-944, Declaration of Self-Sufficiency. If USCIS received the Form I-485 before Oct. 13, 2020, that does not have all required forms and evidence, they will request any missing forms and evidence. However, after Oct. 13, 2020, USCIS will reject the Form I-485 if applicants do not include the required forms and evidence with Form I-485 at the time of filing.

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