

USCIS Policy Manual Updates Make It Easier to Identify Adjustment of Status Applicants Subject to the Public Charge Ground of Inadmissibility

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On July 20, 2023, U.S. Citizenship and Immigration Services (USCIS) updated its policy manual to make it easier for green card applicants to identify who may be considered inadmissible to the United States on the grounds that they are likely to become a public charge.

The new guidance is designed to enable applicants to respond accurately to questions on the public charge ground of inadmissibility on Form I-485, Application to Register Permanent Residence or Adjust Status.

“Public charge” refers to an individual who is likely to become primarily dependent on the government for financial support. See our [January 2023 blog post](#) for factors that determine who falls under this category. U.S. immigration law includes this ground of inadmissibility that can disqualify certain applicants for a green card.

Under the new guidance, the following adjustment of status applicants are subject to the public charge ground of inadmissibility:

Family-Based Applicants:

- Immediate relatives (spouses, children, and parents) of U.S. citizens
- Unmarried children of U.S. citizens and their children
- Spouses, children, and unmarried sons and daughters of Legal Permanent Residents
- Married children of U.S. citizens and their spouses and children
- Siblings of U.S. citizens
- Fiance(e)s of U.S. citizens

- Spouses, widows, or widowers of U.S. citizens
- Amerasians based on preference category, born on or after Dec. 31, 1950, and before Oct. 22, 1982

Employment-Based Applicants:

- Priority workers
- Professionals with advanced degrees or noncitizens of exceptional ability
- Skilled workers, professionals, and other workers
- Investors

In addition, special immigrants such as religious workers, U.S. armed forces personnel, retired employees of international organizations, and others are also subject to the public charge ground of inadmissibly.

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