



Decision Memorandum

TO: Dominic Mancini
Acting Administrator,
Office of Information and Regulatory Affairs,
Office of Management and Budget

THROUGH: Eric Hysen
Chief Information Officer,
Department of Homeland Security

FROM: Samantha L. Deshommes
Chief,
Regulatory Coordination Division,
Office of Policy and Strategy,
U.S. Citizenship and Immigration Services,
Department of Homeland Security

SUBJECT: Request for Emergency Approval of Information Collection Requests pursuant to
44 U.S.C. 3507(j)(1)(B) and 5 CFR 1320.13

Purpose: USCIS is requesting emergency approval of this collection of information under 5
CFR 1320.13.

Background: On August 14, 2019, DHS published the Inadmissibility on Public Charge
Grounds, Final Rule, 84 FR 41292 (Aug. 14, 2019), as amended by the Final Rule, Correction,
84 FR 52357, (Oct. 2, 2019) (the “Public Charge Final Rule”). DHS implemented the Public
Charge Final Rule together with information collection instruments associated with the rule on
February 24, 2020. The implementation took place after a number of nationwide injunctions and
stays of those injunctions were issued by federal courts in several jurisdictions in connection
with the Public Charge Final Rule.

Subject: Request for Emergency Approval of an Information Collection Request pursuant to 44 U.S.C. 3507(j)(1)(B) and 5 CFR 1320.13

Page 2

Discussion: On Nov. 2, 2020, the U.S. District Court for the Northern District of Illinois vacated the Public Charge Final Rule nationwide. That decision was stayed by the U.S. Court of Appeals for the Seventh Circuit pending appeal. The government later dismissed the Seventh Circuit appeal, and on March 9, 2021 the U.S. District Court for the Northern District of Illinois' order vacating the Public Charge Final Rule went into effect. USCIS immediately stopped applying the Public Charge Final Rule to all pending applications and petitions that would have been subject to the rule. In order to fully comply with the vacatur of the Public Charge Final Rule, and in conjunction with the final rule removing the Public Charge Final Rule from the Code of Federal Regulations, DHS is submitting this request to the Director of the Office of Management and Budget to make changes to the information collection instruments associated with the Public Charge Final Rule. These changes eliminate the information collection elements associated with that rule.

Pursuant to 44 U.S.C. 3507(j)(1)(B) and 5 CFR 1320.13, DHS is requesting that the Director approve modifications to the following impacted information collections:

- Form I-129, Petition for Nonimmigrant worker, OMB Control Number 1615-0009
- Form I-129CW, Petition for CNMI-Only Nonimmigrant Transition Worker, OMB Control Number 1615-0111
- Form I-356, Request for Cancellation of Public Charge Bond, OMB Control Number 1615-0141
- Form I-485, Application to Register Permanent Residence or Adjustment of Status, OMB Control Number 1615-0023
- Form I-539, Application to Extend/Change Nonimmigrant Status, OMB Control Number 1615-0003
- Form I -539A, Supplemental Information for Application to Extend/Change Nonimmigrant Status, OMB Control Number 1615-0003
- Form I-864, Affidavit of Support Under Section 213A of the INA, OMB Control Number 1615-0075
- Form I-864EZ, Affidavit of Support Under Section 213A of the Act, OMB Control Number 1615-0075
- Form I-864W, Intending Immigrant's Affidavit of Support Exemption, OMB Control Number 1615-0075
- Form I-912, Request for Fee Waiver, OMB Control Number 1615-0116
- Form I-944, Declaration of Self-Sufficiency, OMB Control Number 1615-0142
- Form I-945, Public Charge Bond, OMB Control Number 1615-0143

USCIS certifies that the requirements of 5 CFR 1320.13(a)(1) are met.

USCIS greatly appreciates the timely consideration of this request.