



ADMINISTRATION FOR
CHILDREN & FAMILIES

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ORR Populations, Public Charge, and U.S. Supreme Court Ruling of January 27, 2020

Dear Colleague Letter 20-04

Date: February 4, 2020

Dear Colleague,

ORR grantees, service providers, stakeholders, and persons served by the ORR Refugee Resettlement Program have expressed concern to ORR over the January 27, 2020 ruling by the U.S. Supreme Court to grant the Administration's request for permission to enforce the Public Charge Final Rule published by the Department of Homeland Security on August 18, 2019.¹

https://www.supremecourt.gov/opinions/19pdf/19a785_j4ek.pdf

As we explained in ORR Policy Letter # 19-06 dated September 5, 2019, "Receipt of public benefits by refugees has no public charge consequences for them under both existing law and the changes contained in the Final Rule. Access of benefits will not affect the ability of refugees to adjust status to lawful permanent resident (LPR) or their eligibility for other immigration benefits."

<https://www.acf.hhs.gov/orr/resource/dhs-final-rule-on-public-charge-does-not-affect-orr-populations>

Through this ORR Dear Colleague Letter, we wish to once again reassure ORR grantees, service providers, and stakeholders that refugees are exempt from the Public Charge Final Rule and the Supreme Court decision pertaining thereto. The Public Charge Final Rule has no effect on the populations served by the ORR Refugee Resettlement Program. Thus, ORR stakeholders should not be concerned about the ruling on Public Charge by the U.S. Supreme Court on January 27, 2020 as it applies to the populations referenced.

For background on the subject of Public Charge and populations served by the ORR Refugee Resettlement Program, please see ORR Dear Colleague Letter # 19-06 dated September 5, 2019, and ORR Dear Colleague Letter # 18-04 dated August 23, 2018, at the links below.

<https://www.acf.hhs.gov/orr/resource/dhs-final-rule-on-public-charge-does-not-affect-orr-populations>

¹ <https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds>

<https://www.acf.hhs.gov/orr/resource/public-charge-nprm-and-orr-populations>

If you have any questions about this Dear Colleague Letter, please contact Thomas Pabst at tel: 202-401-5398 or by email at: Thomas.Pabst@acf.hhs.gov.

Sincerely,

Jonathan H. Hayes
Director
Office of Refugee Resettlement