



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 17, 2023
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 18 – A joint resolution disapproving of the rule submitted by the Department of Homeland Security relating to “Public Charge Ground of Inadmissibility”

(Sen. Marshall, R-KS, and 12 cosponsors)

The Administration strongly opposes S.J. Res. 18, which would nullify the 2022 Department of Homeland Security (DHS) rule detailing DHS’s procedures for determining when a noncitizen may be deemed “likely at any time to become a public charge” and thus ineligible for admission or for adjustment of status to lawful permanent residence.

For decades, DHS (and its predecessors) have interpreted this ground of inadmissibility to apply only to individuals who are likely to become *primarily* dependent on the government for subsistence. In 2019, the prior Administration expanded the definition of public charge to include certain individuals who were deemed likely to receive a much broader array of public benefits, including nutritional assistance for children for a brief period of time. Even though no person was denied adjustment of status under the 2019 rule before the rule was enjoined by court order, it nevertheless had a profound chilling effect on the use of public benefits by those who are eligible for such benefits, including U.S. citizens in mixed-status families.

The 2022 DHS rule, which is the subject of S.J. Res. 18, generally adopted the policy that had been in place for decades. The 2022 public charge rule is the result of the review of public charge policies directed by President Biden in Executive Order 14012, “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans.” It is an important step towards undoing the damage that resulted from the chilling effect of the 2019 public charge rule and provides a clear, comprehensive, and fair standard for assessing whether a noncitizen is likely to become a public charge.

If Congress were to pass this joint resolution, the President would veto it.

* * * * *