



GMS Flash Alert

Immigration Edition

2020-032 | February 20, 2020

United States – Emergency Review Requested for Public Charge Questionnaire

As we reported in our recent [GMS Flash Alert](#), on January 30, 2020, U.S. Citizenship and Immigration Services (USCIS) announced that the “public charge” final rule will be implemented on February 24, 2020.¹ Once implemented, the rule will impose a higher standard on visa applicants to establish that they are not likely to become a public charge of the U.S. government. (For further details on background and context on the public charge rule, see our earlier reports.²)

In an effort to begin implementing the public charge rule on the scheduled date of February 24, 2020, the Department of Homeland Security (DHS) is requesting the Office of Management and Budget (OMB) perform an *emergency review* of its public charge questionnaire. This questionnaire is to be used by consular officers in determining the admissibility of visa applicants under the rule.

The draft version of the questionnaire has already been submitted to the OMB for final approval. However, as this process can typically take several months, the DHS hopes to expedite the process by requesting the expedited review in time for the public charge rule implementation date.

WHY THIS MATTERS

Please note, there is no immediate impact to visa applicants as the public charge questionnaire has not been approved and finalized by the OMB. However, once finalized and the public charge rule is implemented, visa applicants – particularly immigrant visa applicants – will need to be prepared to submit additional financial information and documentation in support of their visa applications at U.S. Consulates and Embassies.

Public Charge Questionnaire (Form DS-5540)

Currently, the draft version of the public charge questionnaire (Form DS -5540) requests information related to an applicant’s income, financial assets and liabilities, health insurance coverage, and receipt of public benefits, amongst other details. Once approved, this questionnaire will be mandatory for all immigrant visa applicants, including diversity lottery applicants. However, nonimmigrant visa applicants will only need to complete the questionnaire if requested by the consular officer.

KPMG NOTE

Our office is tracking these matters closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

FOOTNOTES:

1 See "[USCIS Announces Public Charge Rule Implementation Following Supreme Court Stay of Nationwide Injunctions](#)," (January 30, 2020) on the USCIS website.

2 For prior coverage see the following issues of *GMS Flash Alert*: [2020-019](#) (January 31, 2020) and [2019-131](#) (August 15, 2019).

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Mira Khalid
Associate/Attorney,
U.S. Immigration

KPMG Law LLP – Tax + Immigration, Canada
Tel. +1-416-943-7830
mirakhalid@kpmglaw.ca



Beth Nanton
Partner
U.S. Immigration

KPMG Law LLP – Tax + Immigration, Canada
Tel. + 1-604-691-3316
bnanton@kpmg.ca

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