

**Immigration Fact Sheet  
March 2021**

The Biden-Harris Administration has proposed and implemented several changes in federal immigration policy. Below are key updates as of March 12, 2021. Check back here for further information.

**Public Charge Rule**

**What is it?**

- Test for immigrants applying for a green card or visa to determine whether they are a “public charge,” meaning that they are or are likely to become primarily dependent on the government in the future -- either based on their use of public benefits or their institutionalization by the government for long-term care
- The public charge test is not applied for asylum seekers, refugees, holders of U/T/VAWA visas, and special immigrant juveniles who are seeking to adjust their status to permanent residency.

**Biden-Harris Administration Updates**

- The current administration announced it is no longer enforcing the Trump administration’s 2019 expansion of the public charge rule.
- As of March 9, 2021, the Department of Homeland Security (DHS) will *not* consider a person’s receipt of Medicaid (except for Medicaid for long-term institutionalization), public housing, or Supplemental Nutrition Assistance Program (SNAP) benefits as part of the public charge inadmissibility determination.
- Medical treatment or preventive services for COVID-19, including vaccines, will not be considered for public charge purposes.

**U.S. Citizenship Act of 2021**

Available [here](#).

**What is it?**

- Bill introduced in the House of Representatives on February 18, 2021.
- Not yet a law. It will likely undergo significant changes and will not be enacted for at least several months.

### **What does it say?**

- Provides DACA recipients (Dreamers), TPS holders, and some farmworkers with an immediate green card, and creates a three-year path to citizenship for them.
- Allows other undocumented immigrants to apply for “temporary legal status” so they can live and work in the United States without fear of deportation for five years if they pass criminal and national security background checks and pay taxes. After the five year period, they would be allowed to apply for a green card. Eventually, they would be allowed to apply for citizenship.
  - To qualify for “temporary legal status” applicants must be physically present in the United States on or before January 1, 2021.
- Loosens restrictions on family-based immigration making it easier for spouses and children to join their family members who are already in the U.S.
- Eliminates employment-based country caps and increases immigrant visas to unskilled laborers, allowing more workers to come to the United States for employment opportunities.
- Eliminates the one-year deadline for filing asylum claims, reducing asylum application backlogs, and increasing protections for several forms of immigration relief, including applicants for U Visas, T Visas, and VAWA.
- Establishes designated processing centers for the registration, screening, and processing of refugees and other eligible immigrants in Central America so they can apply for legal status in those countries instead of making the journey to the U.S. border.

### **ICE Guidance on Immigration Enforcement and Removal**

Available [here](#).

### **What is it?**

- Instructions from the Biden-Harris Administration to Immigration and Customs Enforcement (ICE) field officers on its priorities for arresting and deporting undocumented immigrants as of February 18, 2021.
- In effect until new guidance is issued by the Department of Homeland Security.

### **What does it say?**

- Directs ICE agents to prioritize anyone suspected of engaging in terrorism or espionage, aggravated felons or those convicted of a gang-related offense, and anyone who crossed the border without inspection after November 1, 2020.

- For anyone who doesn't fall into those categories, ICE agents must obtain pre-approval before making arrests.

#### **Other Important Information from ICE**

- ICE is continuing to implement its previously issued memorandum directing the agency to avoid making immigration arrests in sensitive locations (ex: schools, medical facilities, COVID vaccination locations, places of worship, and during public demonstrations).

#### **TPS Updates**

Available [Here](#)

- Temporary Protected Status (TPS) is a humanitarian immigration status for individuals from designated countries affected by armed conflict or natural disaster.
- TPS has been automatically extended until **October 4, 2021** for TPS holders from **El Salvador, Haiti, Honduras, Nepal, and Nicaragua**.
- TPS has been extended for **Syria** through **September 30, 2022** and for **South Sudan** until **May 2, 2022**.
- **Venezuela** has been designated with TPS status for 18 months until **September 9, 2022**.
- If you are asked to provide proof of the validity of your TPS status by an employer or by the RMV, bring a copy of the most recent Federal Register Notice available [here](#).

*For more information contact Lawyers for Civil Rights. We are available at (857)-273-1046 or [office@lawyersforcivilrights.org](mailto:office@lawyersforcivilrights.org). For legal assistance please visit: <http://lawyersforcivilrights.org/gethelp>*