

Next Steps on the Public Charge Rule and Comments from Massachusetts Organizations to the Biden Administration

Updated October 7, 2021

Where are we now on public charge?

In March 2021, the Biden administration withdrew the harmful public charge regulation which had been published during the prior administration. In August 2021, the Biden Administration published an [Advance Notice of Proposed Rulemaking](#) (ANPRM) asking for feedback to help guide the development of a new regulation on public charge.¹ Public comments on the ANPRM can be submitted until October 22, 2021. The ANPRM is a preliminary step in rulemaking, and will be followed by a Notice of Proposed Rulemaking which will offer a second opportunity for public comment. Only after review of these comments is the Administration expected to publish the final regulation.

What is the overall strategy on providing public comments?

The [Protecting Immigrant Families](#) network - led by the National Immigration Law Center (NILC) and the Center for Law and Social Policy (CLASP), is leading the national strategy on responding to the developments around public charge. At this stage, the PIF network is focused on two strategies: **First**, the national PIF network is planning to submit a small number of focused, detailed and actionable comments. Unlike with past comment strategies around public charge, it is important for the Biden administration to be able to move through the process relatively quickly, while also gathering high-quality feedback from experts in the field. **Second**, the national PIF network has drafted a [comment](#) for state, local and national organizational sign-ons. They are seeking as many organizational sign-ons as possible in an effort to show consensus and strong support among advocates. Massachusetts PIF will help disseminate this comment here in Massachusetts to help with the sign-on campaign. In coordination with the national PIF network, Massachusetts PIF coalition members will be submitting an additional comment, prepared by MLRI, focusing on the categories of individuals who are exempt from public charge. In addition, state and local government agencies are encouraged to submit comments. PIF has created an [ANPRM Comment Tip Sheet](#) for governmental partners.

Will there be a comment for Massachusetts organizations to sign on to?

Massachusetts organizations are encouraged to sign on to the national comments prepared by the PIF network. [Here is the link to the PIF comment and to the form to sign on as an organization.](#)
Organizational sign-ons are due by October 20, 2021.

Can/Should I or my organization submit a comment?

If you or your organization wish to submit a separate comment to share a unique perspective or complement existing comments, you may do so directly through the Federal Register [comments portal](#) by 11:59pm EST on October 22, 2021. However, the national PIF comment will address the critical core issues and provide thorough feedback, so please do reach out to the Massachusetts PIF coalition organizations prior to submitting a comment to ensure that we are all working together to advocate consistently for a good regulation.

¹ Public charge is one of the grounds for “inadmissibility” of a non-citizen seeking to enter the United States. For more information on public charge, go [here](#).