Siam Legal International Explains the New USCIS Public Charge Rule for US K1 Visa Cases

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Bangkok, Thailand - August 21, 2026 -
Siam Legal International, a full-service law firm in Thailand, is reporting that US Citizenship and Immigration Services has finalized a new public charge rule affecting Adjustment of Status applications, including cases filed by K-1 fiancé visa holders. The rule follows formal Policy Manual guidance that USCIS issued on August 18, 2026, and takes effect on September 18, 2026.

The public charge test is used by immigration officers to assess whether a green card applicant is likely to rely heavily on the US government for financial support in the future. An applicant who is found likely to become a public charge can be denied a green card. The Form I-864 affidavit of support filed by a US citizen sponsor is part of the review, but officers may also weigh additional factors beyond that single form.

The change is not sudden. In September 2025, USCIS instructed officers internally to move away from the narrower 2022 standard and begin weighing a fuller picture of each Adjustment of Status applicant. On August 18, 2026, the agency put that broader approach into formal Policy Manual guidance, replacing instructions that dated back to 1999. The rule becomes official regulation for Adjustment of Status cases on September 18, 2026, a change addressed in Siam Legal's US visa from Thailand report, which outlines the

broader visa and immigration landscape for Thai nationals in 2026.

Under the 2022 rule, officers were limited to reviewing two factors: whether an applicant had received cash welfare payments or long-term government-paid nursing home care. Benefits such as Medicaid and SNAP food assistance did not count against an applicant under that standard. Starting September 18, 2026, officers may consider a wider range of factors, including an applicant's age and health, personal financial resources, education and job skills, work history, and receipt of public benefits such as Medicaid, SNAP, or government housing assistance on or after that date.

The new standard applies to most Adjustment of Status filings, including K-1 fiancé visa holders who marry their US citizen sponsor and adjust status inside the United States. It does not apply to applicants processing a green card through CR-1 or IR-1 consular channels at a US Embassy or Consulate, since those cases are decided under separate Department of State guidance already in effect since November 2025. Congress has also protected certain applicants from the rule by law, including refugees, asylum seekers, trafficking and crime victims, and applicants filing under the Violence Against Women Act.

For K-1 holders filing Form I-485, the sponsor's Form I-864 affidavit of support remains required and is not replaced by the new review. Public benefits received by a family member generally do not count against the applicant directly, though officers may still consider a household's overall financial circumstances. The date an application is filed can also determine which standard applies, since cases filed before September 18, 2026 are typically evaluated under the earlier, narrower rule even if a decision comes later.

Applicants preparing for the new standard may want to gather proof of income, savings, or other financial resources, along with employment history, job offers, and evidence of education or job skills that support an ability to work. USCIS is also updating Form I-485 to ask additional questions related to public benefits, effective September 18, 2026, and applicants filing on or after that date will need to use the updated version of the form.

Rex Baay, Senior Immigration Consultant and Operations Manager at Siam Legal International, said the expanded review standard changes how K-1 fiancé visa holders should approach the Adjustment of Status process. "Applicants should treat their financial documentation with the same care they gave their original affidavit of support, because officers are now able to weigh a much wider set of factors, including education, work history, and health, instead of the narrower cash-assistance test that applied since 2022," Baay said.

Established more than 22 years ago, Siam Legal International serves foreign and local clients across Thailand through offices in Bangkok, Chiang Mai, Phuket, and Pattaya. The firm's multidisciplinary team of

lawyers handles immigration and visa matters, property and real estate transactions, corporate and commercial law, family law, litigation, intellectual property, tax advisory, and cybersecurity and data protection matters.

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