

December 10, 2018

Submitted via www.regulations.gov

Samantha Deshommès, Chief
Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Sir/Madam:

I am writing on behalf of RESULTS in response to the Department of Homeland Security's (DHS, or the Department) Notice of Proposed Rulemaking (NPRM or proposed rule) to express our strong opposition to the changes regarding "public charge," published in the Federal Register on October 10, 2018. As an anti-poverty organization, we are deeply concerned about the proposed rule's potential harm to immigrants and their families – we know that access to health care, nutrition assistance, housing programs, and other critical supports is critical in efforts to end poverty. We urge that the rule be withdrawn in its entirety, and that long standing principles clarified in the 1999 field guidance remain in effect.

RESULTS creates the public and political will to end poverty by empowering individuals to exercise their personal and political power for change. We support a network of more than 115 chapters with over 650 active volunteers (and an additional 7,000 members in our e-mail action network) across the U.S. Our grassroots educate members of congress, work with the media, and build awareness within their communities on basic nutrition and health programs along with budget and tax policies. Our grassroots network includes a specific focus on engaging young leaders and elevating the voices of low-income Americans who have firsthand experience of poverty.

The proposed rule would be a huge shift from current policy and undermine the effectiveness of anti-poverty programs. Our advocates know – many from lived experience – the importance of accessing basic health and nutrition assistance and feel strongly that we must protect immigrant families. The proposed rule would alter the public charge test dramatically, abandoning the enduring meaning of a public charge as a person who depends on the government for subsistence, changing it to anyone who simply receives assistance with health care, nutrition, or housing. These programs include SNAP (Supplemental Nutrition Assistance Program, formerly Food Stamps), most Medicaid programs, housing assistance such as Section 8 housing vouchers, Project-based Section 8, or Public Housing, and even assistance for seniors

who need help paying for prescription drugs. We are gravely concerned about the spillover effects of this proposed rule – for example, other nutrition program participation will be impacted well beyond SNAP, rolling back progress in addressing hunger and poverty in this country.

Overall, this will cause families to forgo assistance or disenroll in critical anti-poverty programs, jeopardizing their food security, health, well-being, and economic security. As the Administration acknowledges, public benefits “play a significant role” in the lives of recipients (83 Fed. Reg. 51,163). These programs provide critical support to assist individuals and families to work, to attend school, and to maintain and improve their health. DHS conservatively estimates almost 130,000 people — many of them children — would lose access to SNAP. When individuals and families access these vital programs the entire community and country benefits — when they do not, food security, health, education, and economic security suffer.

Forcing immigrant families to either risk their wellbeing or risk their future in this country is bad policy and simply inhumane. No one should ever have to fear the consequences of seeking medical treatment. No one should ever have to choose between putting food on the table and staying in the country. These changes will punish people who are just trying to survive.

We know that many low-income workers are struggling to make ends meet, and this proposal would penalize also people who use basic needs programs to supplement their earnings from low-wage work. Under current policy, a public charge is defined as an immigrant who is “likely to become primarily dependent on the government for subsistence.” The proposed rule radically expands the definition to include any immigrant who simply “receives one or more public benefits” – a huge change that would include millions beyond those who receive benefits as the main source of support.

The proposed rule would cause major harm to immigrants and their families, communities, localities, states, schools and health care providers and health facilities. The proposed regulation would make—and has already made—immigrant families afraid to seek programs that support their basic needs. The proposal could prevent immigrants from using the programs their tax dollars help support, preventing access to essential health care, healthy, nutritious food and secure housing. It would increase poverty, hunger, ill health and unstable housing by discouraging enrollment in programs that improve health, food security, nutrition, and economic security, with profound consequences for families’ well-being and long-term success.

The fear created by these rules would extend far beyond any individual who may be subject to the “public charge” test, harming entire communities as well as the infrastructure that serves all of us, such as schools, hospitals and clinics. All of these consequences are identified in the proposed rule itself, under costs; a substantial body of evidence demonstrates that they are highly significant and damaging.

The widespread “chilling effect” that causes families to withdraw from benefits due to fear is already evident as a result of rumors of the rule. Community providers have already reported changes in health care use, including decreased participation in Medicaid and other programs due to community fears stemming from the leaked draft regulations. Likewise, fear has already been driving immigrant families—who are eligible to receive benefits for themselves or their children—to forgo vital health and nutrition assistance, jeopardizing the health of families and communities alike. Historical evidence from the 1996 PRWORA policy changes, which is cited in

the NPRM itself, demonstrates that public information alone cannot prevent these damaging consequences, because of the complexity of immigration policies (greatly increased by this proposed rule), among other reasons. Even among groups of immigrants who were explicitly excluded from the 1996 eligibility changes, and U.S citizen children in mixed status families, participation dropped dramatically.

RESULTS is particularly concerned about the proposed rule's harm to the children of immigrant parents, whether they are immigrants or citizens themselves. Discouraging families from receiving health, nutrition, housing, or educational supports for their children will only make it harder for them to achieve economic security in the future. This harm is explicitly acknowledged in the cost-benefit analysis of the proposal. Children's well-being is inseparable from their parents' and families' well-being, so help received by parents is central to children's health and well-being in the short- and long-term. Children thrive when their parents can access needed health or mental health care, when their families have enough to eat, and a roof over their heads. Conversely, parents' stress and health challenges impede effective caregiving and can undermine children's development. In states that have chosen to provide Medicaid coverage to all lawfully present pregnant women, the link between parent and child well-being is even more direct: a mother's use of health care during her pregnancy could prevent her from later extending or improving her immigration status.

The negative factors outlined in the rule ignore the impact of access to public benefits and family support as positive factors in empowering future self-sufficiency. The rule does not recognize that receipt of benefits that cure a significant medical issue or provide people with the opportunity to complete education and training are highly significant positive factors that contribute to future economic self-sufficiency. There is a large body of research evidence on the positive long-term effects of receipt of many of the benefits that are included in the public charge determination, including SNAP and Medicaid.

Beyond these changes, the proposed rule puts forward income tests, could potentially penalize larger families or those that include seniors, and could lead to discrimination based on medical conditions. By preferring immigrants who speak English, this policy undermines efforts to welcome and integrate immigrants. Because this rule targets family-based immigration as well as low and moderate wage workers, it will also have a disproportionate impact on people of color. Unfortunately, painting people of color as undeserving when they receive the kinds of help that many low- and moderate-income white families receive is a tactic that Black families understand all too well. Punishing immigrants and their U.S. citizen family members for relying on healthcare and nutrition programs builds upon the shameful but effective practice of stigmatizing public programs and the people who participate in them.

As an organization deeply committed to ending poverty and creating opportunity, with a focus on understanding the root causes of racial wealth inequality, **RESULTS strongly opposes shifting American policy towards immigration to count wealth and income as the primary indicators of a person's future contribution.** Rather than evidence-based policymaking, the proposed rule would cause great harm to individuals, families, and communities, without a full rationale or quantification of the potential harm. Both research and Congressional actions over the nearly 20 years that the Field Guidance has been in effect provide ample evidence that there is no problem now and no persuasive rationale for change.

RESULTS believes that taking away medical care and food from people who need it is wrong, no matter what. We cannot force people to choose between meeting their basic needs and keeping their families together in this country. The administration must reverse this harmful and inhumane policy. The Department should immediately withdraw this proposal, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families in the future. **If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services and support they need to remain healthy and productive.**

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me to provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith Dodson", with a long horizontal flourish extending to the right.

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