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December 10, 2018

Electronically filed: <https://www.regulations.gov/comment?D=USCIS-2010-0012-0001>

L. Francis Cissna
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue NW
Washington, D.C. 20529-2140

Re: USCIS-2010-0012: Inadmissibility on Public Charge Grounds. 83 Fed. Reg. 51114
(proposed October 10, 2018) (to be codified at 8 CFR Parts 103, 212, 213, 214, 245 and 248).

Dear Director Cissna:

Thank you for the opportunity to submit comments on the "Inadmissibility on Public Charge Grounds" proposed rule.

We write on behalf of the Harvard Immigration and Refugee Clinical Program (HIRC) at Harvard Law School. HIRC, in partnership with Greater Boston Legal Services, advocates for immigrant justice through clinical education, legal representation, litigation and community outreach. Our clients are immigrants from all over the world, including survivors of domestic violence and other serious crimes, individuals who face threats to their lives if they are forced to return to their countries of origin, mixed status families, international students and scholars, and lawful permanent residents, among others. We serve both the greater Boston community and students, faculty, and employees at Harvard. HIRC offers a unique model to clients in which social services are embedded in the legal representation, giving us keen insight into how the daily necessities of food, shelter, and medical care can impact our clients' lives and the outcomes of their legal cases.

We are concerned about the impact of the proposed changes to the public charge regulation for three main reasons: (1) the proposal would create a chilling effect, (2) the proposal creates barriers to immigrants' self-sufficiency, and (3) the proposal fails to acknowledge the contributions of immigrants, unnecessarily penalizing those who speak limited English or who have an illness.

(1) The proposed rule would create a chilling effect.

The proposed expansion of the public charge rule has dangerous implications for the clients we serve at HIRC. Namely, these changes would likely lead clients who are not subject to the public charge rule to avoid healthcare, cash-assistance, food stamps, and other benefits that they are eligible for and that are necessary for their basic survival.¹

For instance, one client who is a single working mother, and a lawful permanent resident (or green card holder), has decided that her U.S. citizen child should forego receiving the food stamps and Medicaid she is eligible for as a U.S. citizen. This mother fears she will be ineligible to naturalize and obtain citizenship if her child accesses these benefits. Although as an asylee and lawful permanent resident she is not subject to the public charge rule or to the proposed changes to the rule, she has decided to avoid any negatively weighted factors that she fears somehow might in the future preclude her from obtaining citizenship—her ultimate goal for securing her family’s safety and stability. As a result, this winter, she will not vaccinate her child despite eligibility and instead, will hope for the best.

The confusion and fear that the proposed rule changes have already caused amongst our clients cannot be understated. This example is just one of hundreds at our clinic that suggests troublesome implications for public health. These fears are echoed by our colleagues at the Health & Law Immigrant Solidarity Network (HLISN), which is a network of healthcare providers, legal professionals, and community groups in Greater Boston who are committed to supporting immigrants and are particularly worried about the threats to public health that this proposal could cause. Our clinic’s social worker regularly connects clients to local community health centers in order to receive vaccinations and be screened for communicable diseases, such as tuberculosis. When clients fear accessing preventative care, it is not just the immigrant community that suffers, but also the public health of the American population at large.

In addition to threats to public health, the proposed changes to this rule would likely cause further distress to a population that has already often suffered extreme trauma in their home countries and would further expose them to poverty, homelessness, and hunger in the United States. Estimates suggest that 500,000 U.S. citizen children could be pushed into poverty due to their immigrant parents’ fears of accessing food resources due to the public charge rule.²

1 Feshir, R. (2018, October 23). 'Public charge' rule blamed for 'chilling effect' among immigrants. *MPR News*. Retrieved from: <https://www.mprnews.org/story/2018/10/23/public-charge-rule-blamed-for-chilling-effect-among-immigrants>. Batalova, Jeanne, Michael Fix, and Mark Greenberg. 2018. *Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefit Use*. Washington D.C: Migration Policy Institute.

2 Laird, Jennifer., Kaushal, N., Waldfogel, J., and Wimer, C. 2018. *Forgoing Food Assistance out of Fear: Changes to “Public Charge” Rule May Put 500,000 More U.S. Citizen Children at Risk of Moving into Poverty*. Columbia University: Center on Poverty & Social Policy and Columbia Population Research Center.

(2) The proposal creates barriers to immigrants' self-sufficiency.

Evidence suggests that immigrants' short-term use of public assistance leads to long-term self-sufficiency that benefits our country.³ By utilizing benefits in the short-term, immigrants have the chance to establish themselves within a new country and to contribute to it.⁴

More specifically, immigrants who utilize benefits in the short-term show increased rates of high school graduation, college enrollment and labor force participation in the long-term.² The proposed changes to the public charge rule, which would drastically curtail immigrants' access to such benefits, both ignores the vital contributions of immigrants to the U.S. economy and society and undermines immigrants' potential to contribute as fully and effectively as possible.

Moreover, the proposal's indication that people below 18 or older than 62 are more likely to become a public charge is misguided. Indeed, the presence of older or younger relatives in a household often helps those who seek to remain in the workforce, as those family members often help provide needed free childcare.⁵ This is well-illustrated by one of our clients at HIRC, who is able to work long hours and contribute to the economy precisely because her older mother is home to take care of her kids.

(3) The proposal fails to acknowledge the contributions of immigrants, unnecessarily penalizing those who speak limited English or who have an illness.

The proposal to negatively weigh limited English proficiency and illness is also ill-advised, as these factors do not effect immigrants' likelihood of becoming a public charge.⁶ At HIRC, many clients speak limited English and have diagnosable illnesses, such as PTSD, depression, diabetes, and chronic pain. Despite this, the majority are self-sufficient and provide essential labor in hospitals, restaurants, schools, bio-tech laboratories, and other industries that our economy relies on to be an economic world leader.

Lastly, the proposal to negatively weigh such factors as mortgages and education debt fails to recognize important markers of self-sufficiency. Namely, immigrants who have realized the quintessential American dream of buying a home or receiving an advanced education would be penalized for those important markers on the road towards self-sufficiency.

3 Stamper Balistreri, K. (2010). Welfare and the children of immigrants: Transmission of dependence or investment in the future? *Population Research and Policy Review* 29(5):715-743.

DOI: 10.1007/s11113-009-9169-y

4In a similar vein, the proposal's assertion that those below 250% of the Federal Poverty Level will be viewed unfavorably is both arbitrary and unfair, since many immigrants need time to adjust to a new country in order to contribute to it. Estimates show that nearly half of American households would not meet this income. See Kearney, M., Harris, B., Jacome, E., and Parker, L. 2013. *A Dozen Facts about America's Struggling Lower-Middle Class*. Washington D.C: The Hamilton Project, Brookings Institute. Retrieved from https://www.brookings.edu/wp-content/uploads/2016/06/THP_12LowIncomeFacts_Final-1.pdf

5 Posadas, J., Vidal-Fernandez, M. (2013). Grandparents' childcare and female labor force participation. *Journal of Labor Policy* 2(14). <https://doi.org/10.1186/2193-9004-2-14>

6 L.G. (2017, August 3). Immigrants do not need to speak English before they arrive. *The Economist*. Retrieved from <https://www.economist.com/democracy-in-america/2017/08/03/immigrants-do-not-need-to-speak-english-before-they-arrive>

For example, a HIRC client, whose wife speaks limited English and suffers from trauma-related neurological problems, recently became a homeowner, which highlights his capacity for self-reliance. He saved the money to purchase a home after years of working multiple jobs to support himself and his family. By approving this rule change, the government would in effect penalize clients such as these for contributing to the economy and working hard to become homeowners.

For the above stated reasons, we urge the agency to reverse course on the expansion of public charge and to not finalize the proposed rule. As a country that has flourished because of the contributions of immigrants, we must allow current immigrants the same opportunities for success in this country as earlier generations.

We appreciate the opportunity to provide comments on this proposed rule. If you have questions, please contact us by phone at 617-384-8165 or by email at hirc@law.harvard.edu.

Sincerely,

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