

December 10, 2018

Samantha Deshommès, Chief
Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue N.W.
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 Ms. Deshommès:

On behalf of National PTA and our 4 million PTA members, we appreciate the opportunity to comment on the U.S. Department of Homeland Security's proposed rule setting forth new "public charge" grounds for inadmissibility. National PTA opposes the proposed rule, as it will diminish children's access to adequate nutrition, reliable health care, and stable housing. This proposed rule has the potential to inflict lasting damage on children's emotional wellbeing and ability to learn. Since our association's founding in 1897, National PTA has remained committed to ensuring all children residing in the United States have the opportunity to reach their full potential and become productive members of society.

For close to a century,¹ U.S. immigration law has used the term "public charge" to mean a person *primarily* dependent on the government for subsistence.² The proposed rule vastly expands this definition to include individuals who simply receive one of the enumerated nutrition, health care, or housing benefits. The public charge designation has a profound effect on immigrant families, for it can bar an individual from entry to the U.S. or disqualify an applicant from legal permanent residency ("LPR"). By attaching extraordinary immigration penalties to such a wide range of vital benefits, the proposed rule would cause families to forego food, health, or housing benefits out of fear that receiving them would jeopardize the legal presence and family unity provided by a visa or LPR status. This will have a direct and harmful effect on children's wellbeing.

¹ Kelly Whitener, *What Does Public Charge Mean for Immigrant Families?*, GEORGETOWN UNIV. CTR. FOR CHILDREN & FAMILIES, May 2, 2018, <https://ccf.georgetown.edu/2018/05/02/what-is-public-charge-and-what-does-it-mean-for-immigrant-families/>.

² Under current policy, one is only "primarily dependent" on the government for subsistence if he or she obtains more than 50% of his or her income from either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense. *See, e.g.*, Department of Justice, Immigration & Naturalization Serv., Field Guidance on Deportability and Inadmissibility on Public Charge Grounds, 64 Fed. Reg. 28689 (May 26, 1999).

What is more, even families whose immigration status would be unaffected by the proposed rule will be deterred from seeking access to nutrition, health care, and housing programs. For example, when a major overhaul of federal welfare law in 1996 rendered immigrants—but not their U.S. citizen children—ineligible for federally-funded benefits, more than half of the U.S. citizen children with an immigrant parent nonetheless dropped from the food stamps program.³ The legislation’s “chilling effect was enormous.”⁴ The proposed rule would similarly trigger widespread, unnecessary, and harmful loss of support for children.⁵ In fact, the chilling effect of the proposed rule has already begun to take hold. Agencies in at least eighteen states have already reported enrollment drops of up to twenty percent in the Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”)⁶ despite the fact that WIC is not included in the proposed rule.

National PTA believes that all children deserve the fundamental security provided by adequate food, health care, and housing. It is only with such supports in place that students can meaningfully engage at school and reach their fullest potential. We urge the Department to withdraw these proposed changes to “public charge” grounds for inadmissibility. When the nutrition, well-being and housing needs of immigrant children are not met, the effects are felt by all students both inside and outside the classroom. Please contact Jacki Ball, Director of Government Affairs, at jball@pta.org or (703) 518-1243 to answer any questions or provide further input as needed.

Sincerely,



James L. Accomando
President
National PTA



Nathan R. Monell, CAE
Executive Director
National PTA

³ Dara Lind, *Trump is Proposing a Regulation that Could Change the Face of Legal Immigration — by Restricting Low-income Immigrants*, VOX, Sept. 24, 2018, <https://www.vox.com/2018/9/24/17892350/public-charge-immigration-food-stamps-medicaid-trump>.

⁴ *Id.*

⁵ Jonathon Blitzer, *Trump’s Public-Charge Rule Is a One-Two Punch Against Immigrants and Public Assistance*, THE NEW YORKER, Sept. 24, 2018, <https://www.newyorker.com/news/dispatch/trumps-public-charge-rule-is-a-one-two-punch-against-immigrants-and-public-assistance>.

⁶ Helena Bottemiller Evich, *Immigrants, Fearing Trump Crackdown, Drop Out of Nutrition Programs*, POLITICO, Sept. 4, 2018, <https://www.politico.com/story/2018/09/03/immigrants-nutrition-food-trump-crackdown-806292>.