

EQUALITY CALIFORNIA



November 29, 2018

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

Submitted via: <https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>

RE: Notice of Proposed Rulemaking -- Inadmissibility on Public Charge Grounds -- DHS
Docket No. USCIS-2010-0012

Dear Ms. Deshommes:

On behalf of our 800,000 members and their families, Equality California writes to express our strong opposition to the Department of Homeland Security's proposed 'Inadmissibility on Public Charge Grounds' rule.

Equality California is the nation's largest statewide lesbian, gay, bisexual, transgender and queer (LGBTQ) civil rights organization and is dedicated to creating a fair and just society. We work within California, at the Federal level, and directly with other states to win and protect full equality for LGBTQ people through education, electoral, advocacy and mobilization programs to achieve our mission – which includes the protection and advancement of civil rights for immigrants.

The Administration's October 10, 2018 proposal to bar applicants for permanent resident status or entry to the United States if they are deemed "likely at any time" to receive a broad range of supplementary government assistance – thereby becoming a "public charge" – represents a radical change in longstanding immigration policy.

Under the current test, immigration officials predict whether an individual is likely to become primarily dependent on Social Security Income or other forms of public cash assistance. The proposed rule radically expands the test to include potential future receipt of a wide range of non-cash assistance aimed at helping individuals and their families meet basic needs including food assistance [Supplemental Nutrition

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Assistance Program, or SNAP), housing [Section 8 rental assistance and Federal housing vouchers], and healthcare [Medicaid or Part D subsidies to help low-income people buy prescription drugs].

Over the past five years, a rough annual average of 900,000 people seeking immigrant visas have been subject to the LPC [Likely to become a Public Charge] test, as well as an annual average of approximately 176 million people seeking admission as nonimmigrants. As a result, even small changes to the test can have large effects on both immigrants and nonimmigrants.

The proposed rule would heavily favor the wealthy by creating a new bright line test for income. Under the proposed rule, earning under 125% of the Federal Poverty Level [\$31,375 annually for a family of four] would be considered a negative factor in deciding whether an immigrant could be granted a green card or permanent residency. Having a poor credit history or being authorized to work but not working would also be considered negative factors. Conversely, only earning over 250% of the poverty line [\$62,750 annually for a family of four] would be a heavily weighted positive factor, even though this is higher than the median income in the U.S.

Equality California is strongly opposed to a new Public Charge test for legal immigrants for four reasons:

Potential for Discrimination – The rule change would cede far too much discretionary power to immigration officials to determine who is likely -- at some point in the future -- to be a public charge. Such power would essentially be an invitation to discriminate on the basis of age, family size and status, education, health, disability and employment;

Chilling Effect – Immigrant households are likely to forego benefits they need and to which they are entitled for fear that accepting aid would affect their ability to stay in the US, jeopardize the ability of other family members to join them in the United States, or even to travel abroad because they may be forced to pass some kind of “public charge” test upon reentry. The Migration Policy Institute estimates that the new policy could have a chilling effect on between 5.4-16.2 million immigrants and their children, who could withdraw from public benefit programs.

Nor would the impact solely hit noncitizen households – families with mixed immigration status are often comprised American-born children who have at least one noncitizen parent.

The Children’s Healthcare Insurance Program [CHIP] was not included in the proposed rule which is appropriate -- Equality California would strongly oppose the inclusion of this vital program to the LPC test.

Disproportionate Impact on California – Residents of no other state are likely to be as hard-hit by the adoption of the public charge rule as California because it is the most populous state in the country and already has the highest child poverty rate in the nation: <https://www.kidsdata.org/blog/?p=8181>.

According to the Henry J. Kaiser Foundation, of the 9,678,000 children covered by Medicaid and CHIP in California, 2,599,000 have at least one noncitizen parent. Of those children, 1,567,000 receive Medicaid/CHIP benefits, 1,507,000 get free or reduced price school lunches, 715,000 receive SNAP benefits, and 573,000 are covered by WIC. The study can be found here: <https://www.kff.org/report-section/potential-effects-of-public-charge-changes-on-health-coverage-for-citizen-children-appendix/> ;

Disproportionate Impact on LGBTQ Immigrants – The proposed rule change would hit the LGBTQ immigrant community especially hard because they tend to come from countries in which they experience bias and discrimination, and often violence, which have cascading impacts on their overall health and wellbeing, education, employment prospects and financial stability.

LGBTQ immigrants would therefore be doubly impacted by the public charge rule change, and even more so if they are also living with chronic health issues and disabilities, including HIV or AIDS, or experience other adverse factors. Being deterred from using benefits to address their healthcare needs will ultimately leading to worse health outcomes for LGBTQ individuals, their families and their communities.

This concern is not theoretical: according to the National Association of Community Health Centers, a growing number of LGBTQ community centers have already observed LGBTQ immigrants not showing up for health care appointments and not accessing vital services that support health and well-being, such as HIV treatment and care. The NACHC study can be found here: www.nachc.org/news/joint-statement-of-americas-health-centers-opposing-public-charge-proposal/.

For the reasons enumerated above, Equality California respectfully urges DHS to abandon its proposed 'Inadmissibility on Public Charge Grounds' rule.

Sincerely,



Valerie Ploumpis
National Policy Director