



**International Rescue Committee**

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**Rescue.org**

10 December 2018

Samantha Deshommes, 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 Ms. Deshommes:

The International Rescue Committee (IRC) submits the following comment in response to the Department of Homeland Security (DHS) Notice of Proposed Rulemaking, “Inadmissibility on Public Charge Grounds,” which was published in the Federal Register on October 10, 2018. As outlined below, the IRC strongly opposes the proposed changes to the public charge rule, which would have a detrimental impact on the health and wellbeing of thousands of families that we serve.

The IRC responds to the world’s worst humanitarian crises and helps people whose lives and livelihoods are shattered by conflict and disaster to survive, recover, and gain control of their future. In 2017, the IRC helped nearly 23 million people around the world to access primary health care, and in the U.S., supported 10,665 refugees and Special Immigrant Visa recipients to resettle across the country. The IRC also completed over 17,000 applications to USCIS on behalf of over 14,000 individual clients in 2017. From the IRC’s work with immigrant families, we know just how destructive this proposed rule change would be on the health and wellbeing of millions of immigrant families and their communities.

As detailed below, the proposed change will harm immigrants, refugees, and U.S. citizens through its expansion of the definition of public charge, resulting in more family separations. The proposed policy would devastate our communities by making immigrant families afraid to access essential health, nutrition, and shelter programs. Immigrant and refugee families would live in fear of seeking support they need to thrive, regardless of whether or not they are actually subject to the “public charge” test.

The IRC has already heard firsthand from immigrant and refugee clients who are afraid to enroll in services critical to their successful integration because of this proposed rule. We respectfully urge the Administration to abandon this harmful proposed change.

#### I. Impact on Immigrant Families

The proposed rule would radically expand the definition of public charge to include any individual likely to use more than a minimal amount of assistance to get back on their feet and expand the type of benefits that could be used in the public charge determination. The inclusion of critical programs like Supplemental Nutrition Assistance Program (SNAP) and Head Start would force immigrants who are simply trying to make ends meet to consider forgoing critical nutritional, medical, or educational assistance for their families for fear of jeopardizing their own immigration status.



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## II. Impact on Refugees

When the U.S. made changes to the public charge rule in 1996, it instilled tremendous fear in American communities and subsequently led to a significant drop in the use of programs critical to families. These changes created a chilling effect, even among populations who were exempt from the public charge rule, like refugees, asylees and victims of trafficking. Overwhelming evidence documents that refugees, asylees, and victims of trafficking stopped using these critical benefits. For example, refugee enrollment in benefits fell drastically regardless of the fact that they were not personally subject to the public charge test: food stamps use fell by 60%, Temporary Assistance for Needy Families (TANF) fell by 78% and Medicaid use fell by 39%.

Moreover, under current family-based immigration laws, when refugees become permanent residents, they are legally entitled to petition for immediate family members to join them in the U.S. In these cases, the proposed public charge test would apply and refugees will face barriers to family reunification.

## III. Impact on U.S. Citizens

Finally, the proposed changes to the public charge rule will also have detrimental consequences for U.S. citizens. If the proposed rule moves forward as proposed, parents of U.S. citizen children will be forced to make a cruel and impossible choice between critical public health and safety programs for their families and maintaining their own immigration status, jeopardizing access to programs for U.S. citizen children.

## IV. Congressional Intent

Additionally, it's worth noting that in 1996, when Congress expanded the definition of "public charge," it explicitly rejected a definition that would have included food and health care assistance. These forms of assistance are now included in the currently proposed rule. The attempt to reform the public charge now through rulemaking in the Federal Register clearly ignores Congressional intent.

## Conclusion

The IRC opposes this proposed rule because we firmly believe that our value is not be determined by how much money we earn, but by the lives we live and the contributions we make to our families, communities, and our country. America is a nation of immigrants. For centuries, we have opened our arms to those seeking safety, democracy, and the pursuit of the American dream. The proposed rule goes against these founding principles.

The proposed public charge rule is an affront to core American values that would instill great fear in our communities across the country and risk the health and wellbeing of millions. It bears repeating that the chilling effects of the proposed rule are real and are already unfolding. The IRC has heard firsthand accounts from immigrant and refugee clients who have expressed their fear in enrolling in services critical to their successful integration because of this proposed rule.

In the midst of a crisis of family separation and at a time of historically low refugee admissions, this proposed rule would only do more to keep families apart. As it stands, the family-based immigration system already requires sponsors to assume financial responsibility for family members they wish



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to bring to the U.S. This new rule would cynically force families to make impossible choices, including parents deciding between providing for their children's immediate needs or being eligible to reunite with family members. This is a choice no one should have to make. Diversity has always been America's greatest strength.

The IRC respectfully asks that the Administration rescind this proposed rule.

For questions about this comment, please contact Jenn Piatt, Senior Director of Refugee Resettlement and Asylum Policy and Advocacy at (202) 507-5393 or [Jenn.Piatt@rescue.org](mailto:Jenn.Piatt@rescue.org).

Respectfully submitted,

The International Rescue Committee