

## **Public Charge Comment Sheet**

If you would like us to submit your comment regarding the public charge rule, please fill out the form below with your **Name and Comment** (Limit 5,000 characters) and we will submit it under your name.

**Name:**

**Comment:**



# Care for the Homeless Opposes Proposed Rule Limiting Health Care Access for Immigrants

by Jeff Foreman, CFH Director of Policy and Advocacy

Care for the Homeless is opposing a proposed new rule published by the Trump administration and urging all supporters to consider filing an official comment in opposition to the new rule that discourages legal immigrants in the United States from accessing legal public healthcare, housing and nutrition benefits. On October 10, 2018, the U.S. Department of Homeland Security (DHS) published a draft rule to make it harder for documented legal immigrants in the United States, or those seeking to legally enter the country to use legal public benefits such as Medicaid, Section 8 housing, public housing or SNAP nutritional food subsidies.

This is a fundamental change in national immigration policy and our historic commitment to welcoming immigrants. It would effectively push wealthy applicants to the front of the line ahead of hardworking families who have been patiently playing by the rules for years seeking to reunify with their families in the United States.

In the past the only kind of public benefit that was considered under the “public charge” rule was direct cash benefits. Grossly expanding the rule to consider healthcare, health insurance like Medicaid, housing and nutrition benefits is bad public policy detrimental to health and welfare. It will discourage both undocumented and documented immigrants in need from accessing critical services legally available to them when they need them the most, resulting in lack of access to health care and other services, leading to worse health care outcomes. Over time it will cost – not save – public resources.

The federal Department of Homeland Security’s own analysis, required as part of the proposed published rule, acknowledges the terrible negative health outcomes foreseeable if the rule were adopted. They write, on page 157 of the proposed new rule:

“Disenrollment or foregoing enrollment in public health benefits program by aliens otherwise eligible for these programs could lead to:

- Worse health outcomes, including increased obesity, and malnutrition, especially for pregnant or breastfeeding women, infants, or children, and reduced prescription adherence;
- Increased use of emergency rooms and emergent care as a method of primary health care due to delayed treatment;
- Increased prevalence of communicable diseases, including among members of the U.S. population who are not vaccinated;
- Increases in uncompensated care in which a treatment or service is not paid for by an insurer or patient; and
- Increased rates of poverty and housing instability; and
- Reduced productivity and educational attainment.”

DHS goes on to note that their proposed rule “is likely to produce various other unanticipated consequences and indirect costs.” They don’t point out, but it is entirely foreseeable based on their own discussion of consequences, that this rule would run contrary to the three-current major health policy goals: increasing access to health care, producing better health outcomes and reducing the cost of health care.

Keep in mind, this directly effects legal, documented immigrants, many in families with U.S. citizen children.

Care for the Homeless has joined with our partners at the National Health Care for the Homeless Council, the Community Health Care Association of New York and the National Association of Community Health Centers to oppose this effort and urge people to file public comments during the current statutory public comment period, which the federal administration must review and consider before adopting any final rule. We have also joined the “Protect Immigrant Families Campaign” with almost 2,000 nonprofit organizations opposing this rule.

Since the proposed new rule was published in the Federal Register on October 10, the required 60-day period to submit official public comments will run through December 10, 2018. Our concerns include the detrimental impact this proposed policy will have on access to healthcare and therefore outcomes, and the intimidation and fear it will promote both among

documented and undocumented people. Care for the Homeless Executive Director George Nashak has filed a comment for CFH which you can read [here](#). You can submit a comment, too.

In the required rule making process “all interested parties” are invited to “submit written data, views, comments and arguments on all aspects of the proposed rule.” You can do this either by hard mail, addressed to Samantha DeShomes, 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, or on the web at <https://www.regulations.gov/comment?D=USCIS-2010-0012-0001>. Posting a comment on line is much easier. All comments should refer to [Docket No. USCIS – 2010-0012](#).

For the next five weeks Care for the Homeless will be asking our clients, staff and Board Members to post comments. They need not be long or detailed. Every comment must be reviewed and considered, so having a very large number of comments in opposition to the rule promotes discussion and media attention to this controversy, and must be taken into consideration by the administration. All comments are public and will be posted to the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov).

The new proposed rule, if it goes into effect, would apply to “all aliens who have or seek a visa, or who are applicants for admission” according to the Homeland Security publication in the Federal Register. The rule would create an obligation for all covered by it to “establish that they are not likely at any time to become a public charge” and “demonstrate that they have not received, are not currently receiving, nor are likely to receive, public benefits as defined in the proposed rule.”

One way the proposal offers to support this requirement is to show income of more than 250% of the poverty threshold. Another is to post an expensive bond against any use of a public benefit. Obviously, these aids in establishing financial independence are only available to well off potential immigrants. It flies in the face of a large number of hardworking immigrants who come to the United States and contribute to our economy in lower paid jobs in agriculture and service industries.

Not only would this fundamental change to immigration policy shift our focus from reunifying families and welcoming immigrants to wealth, it would effectively attack diversity and vulnerable populations. The Protect Our Families Campaign notes, “The proposal also deepens the nation’s racial divide. Immigrants who come to the United States through a family-based petition are overwhelmingly immigrants of color. The administration’s choice to target family-based immigrants will worsen disparities in health, hunger, and every other social malady.”

# Care For the Homeless

## Instructions of How to Post a Comment in the Regulations.Gov for Public Charge Rule Policy

- 1) Copy/paste or Click this link (hit **ctrl** on the key board and then click) → <https://www.regulations.gov/comment?D=USCIS-2010-0012-0001> (or type it in the google address bar and hit enter)
- 2) A new screen will appear, titled "**You Are Commenting On**" (please see below)

**You are commenting on:**

The U.S. Citizenship and Immigration Services (USCIS) Proposed Rule: [Inadmissibility on Public Charge Grounds](#)  
For related information, [Open Docket Folder](#)

**1 Your Information**      1 Your Information   2 Your Preview   3 Your Receipt

Information entered will be viewable on Regulations.gov      [View Commenter's Checklist \(PDF\)](#) | [Alternate Ways to Comment](#)

**Comment (Required)**

5000 characters remaining

**Upload file(s) (Optional)**      Drop files here

Choose files

**First Name (Required)**      **Last Name (Required)**

I want to provide my contact information

I am submitting on behalf of a third party

**Continue**

Please see the [Privacy Notice](#) and [User Notice](#) regarding comment submission.

3) Please post your comment in the "**COMMENT BOX**,"

- You may use up to 5000 characters. Comments can be brief or in-depth; but the is not important.
- Many points are involved in the proposed "Public Charge" regulation. Select the point on points that concern you the most or that you understand best. We suggest you consider limiting your comment to 3 sentences focusing on what you consider to be most important.
- After you comment, enter your First Name and your Last Name in the spaces provided.
- If you want to provide your contact information (address, telephone, etc.), place an '**X**' in that box and you will be directed onto a new page to enter the information.
- Click continue

4) Review you comment and information, click on the box next to "*I read and understand the statement above*" and click "**SUBMIT**" button on the bottom right corner.



### Examples of Comments Submitted Regarding the “Public Charge” Rule:

#### **1. Jeff Foreman, CFH Director of Policy and Advocacy:**

I oppose the draft new Public Charge rule as bad policy and contrary to our American values.

It will be a calamitous health policy. The published draft rule analysis notes on page 157 of the proposed rule: “Disenrollment or foregoing enrollment in public benefits programs by aliens otherwise eligible for these programs could lead to:

- Worse health outcomes, including increased prevalence of obesity and malnutrition, especially for pregnant or breastfeeding women, infants or children, and reduced prescription adherence;
- Increased use of emergency rooms and emergent care as a method of primary health care due to delayed treatment;
- Increased prevalence of communicable diseases, including among members of the U.S. citizen population who are not vaccinated;
- Increases in uncompensated care in which a treatment or service is not paid for by an insurer or patient; and
- Reduced productivity and educational attainment

Additionally, DHS notes the proposed rule “is likely to produce various other unanticipated consequences and indirect costs.” There is simply no positive outcome to this proposed rule that begins to make up for there negative outcomes already directly cited by the federal government. The government also seeks comment on other possible consequences of the rule. It is foreseeable, based on DHS’s own list of negative health outcomes that the rule will cause a poorer mortality rate, dramatic adverse public health outcomes, and is contrary to modern health policy based on increasing access to health care, producing better health outcomes and driving down the cost of health care. This rule will fail on all three of these policy goals.

Please consider not changing the current public charge rule, and continuing the historic U.S. commitment to welcoming legal immigrants and reunifying hardworking immigrant families.

#### **2. Nathalie Interiano, CFH Policy and Advocacy Associate:**

I am writing to strongly oppose the Department of Homeland Security’s proposed rule change to the “public charge.” The proposed policy will prevent access to essential health care, nutrition, and housing assistance for eligible immigrants and their family members. These rules would also exacerbate the fear entire communities have felt while living in this country and working towards obtaining permanent status.

I work at an organization that provides healthcare exclusively to people experiencing homelessness and we have already seen an unwillingness by legal immigrants to access health care because they are afraid of any repercussions. This rule would also significantly harm immigrants who are older, those that have preexisting conditions or those with disabilities. It is incredibly detrimental to enact policies that decrease access to health care as this only worsens health disparities and in the end costs much more money.

This rule would significantly alter our legal immigration system by only opening the doors to those that are able to pay for it. Deeming someone's worthiness by their wealth is not and should never be what this nation stands for.

### **3. Thom Newton, CFH Policy and Advocacy Associate:**

The changes proposed by the Trump administration are non-starters from their very beginning. Effectively forcing a family to choose between access to public benefits and the possibility of immigration to the United States betrays long standing and cherished American values of equality of treatment. We are a nation of immigrants and this MUST be recognized in our immigration policies to ensure that access to public programs including medical care and housing are part of the RIGHTS of citizenship that MAY NOT be denied on the basis of petty and blatant political posturing.

### **4. Maureen Paul, CFH Policy and Advocacy Coordinator:**

I strongly oppose to Trump Administration's newly proposed "public charge" rule. Documented immigrants, who enter the United States legally and have taken steps to becoming legal (such as asylum, work permit, permanent residency), all should have access to receiving benefits, despite their: age, health, family status, financial status, affidavit support, and education/skills.

Documented immigrants, when they are working, paying taxes and filing income tax regularly, they are OBLIGED to receive benefits because they are fulfilling the same responsibilities as other U.S. citizens do. Reflecting on my own personal experience as a legal documented immigrant from a Third world country, I can say, my brother and I wouldn't have been able to complete our educational life here without receiving Medicaid benefits until we became permanent residents.

Denying benefits to legally documented immigrants is not only an unfair consideration but also ethically wrong. The totality of circumstances factors (age, health, family status, financial status, affidavit support, and education/skills) categories are also unfairly described in the proposed rule for the public charge test.

### **5. George Nashak, CFH Executive Director:**

We oppose the proposed new rule the Trump administration has published dangerously expanding the "public charge" rule. If it were adopted, this massively expanded rule would discourage documented immigrants in the United State from using legally available public services created precisely because the services are necessary and vital. This proposed new policy is wrong as a matter of public policy, wrong as a matter of conscience, and is contrary to the American values we all share.

If adopted, the new rule would introduce the question of whether a legal immigrant can be defined as a "public charge" (i.e., likely to become dependent on public benefits) in any future application for granting or renewing immigration status, including application for permanent legal residency. In addition to introducing

an unfair consideration into the evaluation of permanent residency applications, an immediate and alarming impact would be to inhibit people from seeking needed health care and other services while engaged in the process of legally immigrating to the United States. Do we as a nation want to see barriers to health care and other necessary services erected for families dependent on those services, including U.S. citizen children of legal immigrants?

It's important to keep in mind that this rule is applicable only to legal, documented immigrants, and that most of the people in this category are in the United States as part of our long-standing effort to unify families. Whatever the intention, the new rule would in practice punish not only legal immigrants, but in many cases their U.S. citizen children. This proposal will result in bad outcomes, lowered life chances, increased trauma, and, in the long run, higher costs when family members are required to use emergency public resources like hospital emergency departments for conditions that could have been treated with basic primary care. To select one example, is it rational to disincentivize families from having their children vaccinated?

The new policy would potentially penalize these legal families for accessing legal programs that provide critically needed healthcare, housing and nutrition assistance. The impact of this proposed rule change will be harshest on low-income families and families of color who are seeking to unify in the U.S. This despite the tremendous contributions to the U.S. economy made by low-income immigrant workers who struggle in low paying, hard to fill jobs in important American industries including agriculture and the services sector.

The programs that will be underutilized as a result of this proposed rule change are not inexpensive. But, like many programs that serve poor and vulnerable people, the failure to provide these critically needed services will be costlier in the long run. When people do not receive appropriate healthcare, nutrition and housing, the long-term costs often far outweigh the short-term costs of providing these supports. More importantly, providing access to these services for poor and vulnerable people is a core value of our country.

As the Executive Director of a New York City-based provider of healthcare services exclusively to people experiencing homelessness, we know there is another likely damaging impact of this proposed rule change: In the current environment, even the discussion of punitive immigration policies will intimidate both documented and undocumented people from seeking critically needed healthcare, nutrition and housing services. This is not an abstract concern: One of our health care providers recently tried to make a needed referral to a specialist for a child we were treating. The child's mother went into a panic. While she trusted us to keep her and her child safe, she didn't know whether they would be treated humanely by another organization or whether her undocumented status would put her and her child at risk. This atmosphere of fear and retribution is playing out tragically in community health centers across the country. We are not arguing against the need for a coherent policy of immigration into the U.S. -- provided that it is humane. But, to deprive immigrant families of needed services as a disincentive to legal immigration will degrade our culture. We implore the Trump administration to withdraw the proposed new public charge rule. Please reconsider the damage this punitive rule would cause to families legally immigrating into the United States and the damage it will cause to our humanity as a nation.