

30 November 2018

Submitted via [www.regulations.gov](http://www.regulations.gov)

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 Sir/Madam:

Thank you for the opportunity to comment on the proposed change to the “Inadmissibility on Public Charge Grounds” rule. I am writing on behalf of Caring for Colorado Foundation in response to the Department of Homeland Security’s (DHS) Notice of Proposed Rulemaking (NPRM) to express our strong opposition to the changes regarding “public charge,” published to the Federal Register on October 10, 2018. The proposed rule would damage the health and safety of Colorado communities and harm immigrant families. We urge that this rule be withdrawn in its entirety and that the 1999 guidance remain in effect.

Caring for Colorado Foundation is a philanthropic organization committed to population health and health promotion for children and youth. We work with partners across the state to address the most pressing health needs of populations experiencing hardship in Colorado. The proposed rule changes will create additional burdens for our partners providing health care and health promotion services to Coloradans, and it will have a devastating effect on Colorado’s children.

The proposed rule will have a “chilling effect” on immigrant communities, regardless of immigration status. U.S. citizens in families and communities with mixed immigration status are less likely to enroll in programs for which they are eligible and more likely to disenroll citizen children from these programs.

Colorado has expanded health coverage for pregnant women and children, as federal law allows, to improve population health. Recognizing the importance of health care, Colorado and approximately 30 other states provide Medicaid to all lawfully residing pregnant women and children that meet income and state residency requirements. By punishing parents for participating in programs they are eligible for, the proposed rule would undermine Colorado’s decision to offer coverage broadly to protect the health of expectant mothers and promote healthy childhood development. The proposal could result in millions of children, including an estimated 143,000 Colorado kids, losing access to housing, nutrition, and/or health care coverage and programs. The proposed change will have lifelong effects on children. Without access to regular preventive care, these members of our community will have increased risk for chronic and communicable diseases in adulthood, resulting in a high humanitarian and financial cost to Colorado and states across the nation.

The proposed rule will also harm people currently living with chronic illness, including people with heart disease, diabetes, cancer, trauma, mental illness, pulmonary conditions and HIV/AIDS. The NPRM proposes a public charge test that gives negative weight if an individual has been diagnosed with an illness that could require extensive medical treatment or interfere with the individual’s ability to attend school or work. Under the proposal, such a diagnosis will result in negative weight unless the individual is likely to be able to have

resources to cover foreseeable medical costs. Not only does this change send the signal that individuals with chronic health conditions are undesirable, it also ignores the fact that chronic illness is not an accurate indicator of future self-sufficiency and/or full-time employment capabilities.

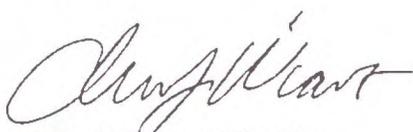
Finally, the proposal will increase the number of parents that are unable to maintain their legal immigration status. The immigration enforcement actions against a parent, or the threat of these actions, can harm a child's long-term health and development. A child's risk of having mental health problems like depression, anxiety and severe psychological distress increases following the detention and/or deportation of a parent. A study of Latino citizen children from 2013-2015 found that children who have at least one detained or deported parent have a significantly higher risk for post-traumatic stress disorder symptoms, and a 2010 study of immigration-related parental arrests found that the majority of children experienced at least four adverse behavioral changes in the six months following the raid or arrest. Mental health issues frequently begin in the immediate aftermath of immigration enforcement actions, but the effects can last a lifetime.

In addition to our comments above, we are including responses to specific questions proposed in the NPRM. *We include responses to these questions to ensure that the rule is not made even more punitive and harmful. Our responses do not indicate that the proposal would be acceptable if it were implemented in its current form.*

- **At FR 51173**, DHS asks whether any unenumerated benefits should explicitly be counted in the proposed test and whether use of other benefits should be counted in the totality of circumstances test. We strongly oppose DHS adding any additional programs to the list of counted programs, or in any way considering the use of non-listed programs in the totality of circumstances test.
- **At FR 51174**, DHS asks about the Children's Health Insurance Program (CHIP). CHIP should not be included in the public charge determination. In addition to the great harm that would be caused by the inclusion of CHIP, this would be counter to Congress's explicit legislative intent in expanding CHIP coverage to lawfully present children and pregnant women. Section 214 of the 2009 Children's Health Insurance Program Reauthorization Act (CHIPRA) gave states a new state plan amendment option to cover lawfully residing children and pregnant women on Medicaid and CHIP during their first five years in the U.S, recognizing the societal benefit of ensuring these populations have access to health care.
- **At FR 51174**, the Department asks about treatment of benefits received by non-citizen children. Because children's receipt of the programs is based on their parents' income, not their own, children's receipt of benefits should not be counted in any public charge determination. Moreover, doing so would be counter to Congressional intent under both the 2009 CHIPRA and section 4401 of the Farm Security and Rural Investment Act of 2002, which restored access to what was then called Food Stamps (now the Supplemental Nutrition Assistance Program, SNAP) to immigrant children.

Thank you for your close attention to these comments. If you have any questions or concerns about our recommendations, please contact me at [cwiant@caringforcolorado.org](mailto:cwiant@caringforcolorado.org).

Sincerely,



Chris J. Wiant, MPH, PhD

President and CEO

Caring for Colorado Foundation