

December 6, 2018

Submitted via <http://www.regulations.gov>

U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, DC 20529-2140

**RE: Comments on Proposed Regulation – Inadmissibility on Public Charge Grounds (DHS Docket No. USCIS-2010-0012)**

Dear Sir or Madam:

I am writing on behalf of the Northwest Area Foundation to express our strong opposition to the Department of Homeland Security's Notice of Proposed Rulemaking ("proposed rule") on "public charge," published in the Federal Register on October 10, 2018.

Based in St. Paul, Minnesota, the Northwest Area Foundation ("Foundation") is a nonpartisan private foundation with \$450 million in assets and pays out approximately \$16 million in grants annually. We supports organizations within an eight-state region in the Midwest and Pacific Northwest (MN, IA, ND, SD, MT, ID, OR, WA) and across seventy-five Native nations. The Foundation is dedicated to expanding the economic opportunity in under-resourced communities in our region, including people in rural areas and immigrants. To achieve this end, we provide grants that support local economies, entrepreneurship, workforce development, and financial inclusion. We envision strong, vibrant communities where people are connected to good jobs and have the financial capability to build assets and provide a secure future for their families and communities.

The proposed rule would significantly damage local economies and communities in the Foundation's region, especially in rural areas. In addition, it would harm many different stakeholders that are key to building thriving economies. Our organization has the following specific concerns that the proposed rule will:

1. **Unfairly burdens hardworking, taxpaying immigrants and undermines their ability to upskill for in-demand occupations.** The proposed rule unfairly penalizes hard-working, tax-paying immigrants. Immigrants have high rates of employment<sup>1</sup> but often work in jobs that pay them less and are therefore less likely to provide them with employer-sponsored health insurance<sup>2</sup> than their U.S.-born counterparts. As a result, they rely on the government programs such as non-emergency Medicaid to support their families, especially if they are training to gain additional skill. Immigrant families pay billions in taxes that help support all government

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<sup>1</sup> In 2017, the labor force participation rate for foreign-born workers was 66 percent, as compared to 62 percent for native-born workers. See U.S. Department of Labor, Bureau of Labor Statistics, "[Foreign-Born Workers: Labor Force Characteristics—2017](#)."

<sup>2</sup> See Kaiser Family Foundation, "[Potential Effects of Public Charge Changes on Health Coverage for Citizen Children](#)."

programs.

- Furthermore, the overwhelming majority of jobs in the US economy today require some postsecondary education and this trend is only continuing. An analysis of Bureau of Labor Statistics data shows that 84% of jobs today require education and skills beyond the high school level.<sup>3</sup> The US labor market has especially strong demand for middle-skill level workers, jobs that require more than a high school diploma, but not a four-year degree.<sup>4</sup> This includes positions such as machine operators, welders, certified nurse aides, and computer user support specialists.

Immigrants represent one in six American workers,<sup>5</sup> and are crucial to meeting the demand for these positions. Training for middle-skill positions is often provided by community colleges, where some immigrants draw on public benefits such as the Supplemental Nutrition Assistance Program (SNAP) to enable them to complete their studies. Counting these students' use of public benefits as a negative factor in the public charge test will undermine immigrants' ability to upskill and prepare for the jobs that American employers need.

2. **Undercut small and mid-size businesses' ability to manage their talent pipeline.** By making it more difficult for immigrants to take part in job training and education programs that would increase their skills, this rule would reduce the talent pool for small and mid-size businesses. Nearly half (48 percent) of private sector workers in the United States are employed in small and mid-sized enterprises.<sup>6</sup> Unlike large corporations, which may have in-house training programs, small businesses rely on strategic partnerships and outside training programs to ensure a strong talent pipeline of workers who are equipped with the skills they need. Industry-specific occupational training are provided by community colleges, nonprofits, industry sector partnerships,<sup>7</sup> workforce boards, and others.

Most of these training programs do not provide wages. As a result, participants often draw upon public assistance programs, such as those mentioned in the proposed rule, to support themselves or their families during their training period – or even when they first begin work. Specifically, programs such as SNAP, non-emergency Medicaid, and housing assistance such as Section 8 vouchers are often critical for individuals to complete a training program. Adopting the public charge rule would penalize immigrants for using such benefits and undercut business efforts to build effective talent pipelines

The Foundation supports many workforce training programs and multi-sector collaborations that support immigrants across our eight-state region including programs in Des Moines, Iowa, Seattle, Washington, and St. Paul, Minnesota. The proposed rule would harm immigrant

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<sup>3</sup> Source: *The United States' Forgotten Middle* (National Skills Coalition, 2017.) Available at : <https://www.nationalskillscoalition.org/resources/publications/2017-middle-skills-fact-sheets/file/United-States-MiddleSkills.pdf>

<sup>4</sup> *Ibid.*

<sup>5</sup>Source : Frequently Requested Statistics on Immigrants and Immigration (Migration Policy Institute, February 8, 2018.) <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>

<sup>6</sup> Source: *Small Business Profile* (US Small Business Administration, 2016.) Available at : [https://www.sba.gov/sites/default/files/advocacy/United\\_States.pdf](https://www.sba.gov/sites/default/files/advocacy/United_States.pdf)

<sup>7</sup> Source: Industry Partnerships (Business Leaders United, n.d.) Available at : <https://www.businessleadersunited.org/business-practices/industry-partnerships>

families who are working to increase their skills and their earnings, thereby weakening the ability of businesses to grow and undermine the workforce and economic goals of cities and states.

**Damage local economies and communities, especially in rural areas.** The Foundation supports the vitality of both rural and urban regions across an eight state region. We do this by supporting local community wealth building. In many of the rural communities we serve, immigrant families are an integral part of the economic vitality of these communities. Many rural areas have a limited number of available workers to meet the needs of their local economy. The proposed rule will undercut the health and well-being of millions of immigrant families and their U.S. citizen children living in mixed status. Furthermore, the harms flowing from the proposed rule will ripple beyond immigrant families. Because immigrant families are interwoven into our social and economic fabric, these negative consequences will reverberate across the communities where they live in and work<sup>8</sup>.

In the Foundation's eight-state region, immigrants make up the largest percentage of workers in key sectors. In the agriculture/forestry/fishing industries in Washington, Oregon, and Idaho, immigrants respectively make up 40%, 25%, and 22% of workers in those sectors<sup>9</sup>. Many of these sectors are located in rural areas. In Montana, immigrants make up 14% of the mining, quarrying, and oil/gas extraction. In South Dakota, North Dakota, and Iowa immigrants make up between 10-12% of the manufacturing industry.

Our mission is to support efforts by the people, organizations, and communities of our eight-state region to reduce poverty and achieve sustainable prosperity. We envision a region where this is truly possible for all people. The proposed rule weakens the ability of many organizations to advance sustainable prosperity in their region. Immigrants and all rural communities will be harmed by the rippling effects of the rule. Businesses will lose skilled workers and governments will lose tax revenues and undercut state and local education and workforce policy goals.

In summary, the proposed rule directly undermines communities and economies in our eight-state region. **We urge DHS to withdraw this proposed rule in its entirety**

Sincerely,



Jennifer Racho  
Program Officer

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<sup>8</sup> See Migration Policy Institute, "[Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefit Use.](#)"

<sup>9</sup> See State Facts Sheets by the American Immigration Council, [State Fact Sheets](#)