

December 10, 2018

Submitted via 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 Hyams 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.

The Hyams Foundation is a private, independent foundation dedicated to ending economic and racial disparities in Boston and Chelsea, Massachusetts. We provide grants to nonprofits that focus on leadership development, civic engagement, and systems change in order to attain equity and community well-being. Last year, we provided over \$5,500,000 in grants to 67 organizations working on issues such as affordable housing, education, and fair wages and benefits for low-income workers.

Massachusetts is home to approximately one million immigrants.¹ While 91% of Boston children are native-born, almost half live with at least one foreign-born parent.² All of these individuals could be directly or indirectly affected by the rule. Civic nonprofit, and faith-based^{3,4} leaders have voiced grave concern about the impact the proposed “public charge” overhaul would have on individuals and families.

This proposal would disrupt the stability and well-being of families; burden our social service, public health, and philanthropic sectors; and threaten the economic well-being of our city and state. It would have a significant effect on our grantees and community-based organizations, as well as our housing and health systems by further marginalizing populations in-need of basic services. Please find below our concerns outlined in further detail.

The Proposal Hinders Access to Services and Support

Media outlets have reported that individuals and families are already forgoing their participation in life-saving programs for fear of jeopardizing their immigration status.⁵ A 2018 study by the Massachusetts Budget & Policy Center estimates that this proposed overhaul could mean that 500,000 Massachusetts residents—including 160,000 children—living in households with one or more non-U.S. citizens or legal permanent residents may forgo critical food, health, and/or housing benefits.⁶ For example, The Boston Planning & Development

¹ See American Immigration Council, [“Immigration in Boston”](#)

² Boston Planning and Development Agency Research Division, [“Boston by the Numbers 2018”](#)

³ See Interfaith Immigration Coalition, [“Interfaith Immigration Coalition Members Denounce Proposed Changes to Public Charge Definition”](#)

⁴ See Faith in Action, [“CLERGY AND FAITH LEADERS LETTER TO CONGRESSIONAL LEADERSHIP”](#)

⁵ See Politico, [“Immigrants, fearing Trump crackdown, drop out of nutrition programs”](#)

⁶ See Massachusetts Budget and Policy Center, [“A Chilly Reception: Proposed Immigration Rule Creates Chilling Effect for New Immigrants and Current Citizens”](#)

Agency estimates that approximately 13,000 adults and 1,600 children currently receiving Medicaid may opt-out, and that 7,700 adults and more than 1,000 children who presently receive food stamps would be forced to sacrifice these services to qualify for immigration protection and relief.⁷

Forcing individuals to relinquish their right to these essential services will have long-term, negative effects on their mental and physical health, productivity, and economic well-being. Research has shown that lack of access to publicly-funded services such as food programs is often associated with serious—and sometimes chronic—negative physical and mental health outcomes⁸, which is especially troubling since immigrants are less likely to work in jobs that provide health insurance and a living wage. Public hospitals will bear the burden of health services forgone or deferred, further straining their capacity to meet expanded public health needs and remain financially solvent.⁹ This not only results in poor health outcomes, but also hinders economic development and well-being through an increase in uncompensated health care costs, and a decrease in housing security, workforce participation, and productivity.

⁷ See Boston Planning & Development Agency, [“Impact of Proposed Federal Immigration Rule Changes on Boston: Public Charge Test for Inadmissibility”](#)

⁸ See Food Research and Action Center, [“The Impact of Poverty, Food Insecurity, and Poor Nutrition on Health and Well-Being”](#)

⁹ See Boston Planning & Development Agency, [“Impact of Proposed Federal Immigration Rule Changes on Boston: Public Charge Test for Inadmissibility”](#)

The Proposal Institutionalizes Bias & Discrimination

These proposed changes not only threaten the willingness of families to access necessary critical support and services, they also institutionalize bias and discrimination against individuals and families who contribute significantly to our local economy and tax base.

The proposed rule change introduces, for the first time, specific income levels as a heavily weighted factor for eligibility for a Green Card and “public charge” determination. That means applicants with an income of less than 125 percent of the Federal Poverty Level (\$15,000 for an individual, \$26,000 for a family of three), would be weighted negatively.¹⁰ Comparatively, an income that is 250% or greater than the federal poverty line (\$30,000 for an individual, \$52,000 for a family of three) would be heavily weighted as a positive factor.¹¹ This income bias disregards the fact that many full-time workers earning a minimum wage would fall well below the threshold for a positive weight, with Massachusetts full-time workers earning a minimum wage of only \$22,000 a year.¹² According to the Center for American Progress, if the same test were applied to all Americans, one third of the population would fail.¹³

Such a stringent test creates a policy that is biased against working families, and perpetuates the myth that immigrants are a drain on our society and overly dependent on government benefits. In fact, research suggests that immigrants underutilize benefits and services which they are eligible for, while contributing significantly to the tax bases that support them. A

¹⁰ See Massachusetts Budget & Policy Center, ["A Chilly Reception: Proposed Immigration Rule Creates Chilling Effect for New Immigrants and Current Citizens"](#)

¹¹ Ibid.

¹² Ibid.

¹³ See Center for American Progress, ["Trump's Immigration Plan Imposes Radical New Income and Health Tests."](#)

Georgetown University Health Policy Institute and National Council De La Raza 2016 joint paper found that 95% of Latino children are U.S. citizens who are eligible for coverage. However, in 2014, one million uninsured Latino children eligible for Medicaid or CHIP were not enrolled.¹⁴

Beyond economic bias, the new rule proposes several other factors be included among the “totality of circumstances” that would negatively impact an immigrant’s ability to obtain a Green Card or alter their visa status. These include age, medical history, and English and educational levels. The inclusion of these factors in immigration policy legitimizes discrimination based on age and ability, and deepens discrimination based on ethnicity, race, and immigration status.

The Proposal Threatens Our Economic Vitality

Contrary to anti-immigrant rhetoric, immigrants pay billions in taxes that support the public programs this proposed change encompasses such as SNAP, public housing benefits, Medicaid, and other general assistance. According to the American Immigration Council, 1 in 5 workers in Massachusetts is foreign born.¹⁵ Immigrant households in Massachusetts earn \$42.9 billion per year, pay \$8.4 billion in federal taxes and \$3.5 billion in local or state taxes, and have \$31 billion in spending power. Undocumented households pay an estimated \$350.4 million in federal and \$167.2 million in state and local taxes.¹⁶

¹⁴ See Georgetown University Health Policy Institute, ["Latino Children’s Coverage Reaches Historic High, But Too Many Remain Uninsured"](#)

¹⁵ See The Partnership for a New American Economy, ["Immigrants and the Economy In Massachusetts"](#)

¹⁶ Ibid

This proposal undermines the Commonwealth's economic vitality and growth, and would result in a loss of \$500 million in direct and indirect contributions to Boston's local economy.¹⁷ Under the new proposed changes, Boston employers could lose approximately 12,000 workers and 4,000 college or university students from our local workforce and talent pool.¹⁸ The proposed changes also threaten innovation and progress—along with long-standing American values and beliefs—in a state where 1 in 5 entrepreneurs are foreign-born.¹⁹

The Proposal Curtails Critical Community Programs

Imposing a regulation that undermines the health and well-being of families runs counter to the goals of the philanthropic and nonprofit sectors. As a foundation, we understand that investing in people's basic needs leads to stronger and more sustainable families and communities. Penalizing individuals and families for using critical safety net supports will undermine their ability to gain self-sufficiency and upward mobility, which will roll back decades of philanthropic investments with potentially long-term deleterious effects on school systems, businesses, and the health system that will be felt by all Bostonians.

The proposed rule will put an undue burden on already thinly-stretched nonprofit organizations that provide much-needed services to immigrants and their children, such as social service agencies, community centers, and food banks. Our immigrant-led and immigrant-serving nonprofit grantees, particularly those providing legal defense and outreach support through the

¹⁷ See Boston Planning and Development Agency, ["Impact of Proposed Federal Immigration Rule Changes on Boston"](#)

¹⁸ Ibid.

¹⁹ See American Immigration Council, ["Immigrants in Massachusetts."](#)

Greater Boston Immigrant Defense Fund, are already overwhelmed by the added demands for education and guidance on these proposed changes, and the chilling fear they have created.

For example, the proposed rule threatens the work of grantee partners like Lawyers for Civil Rights (LCR), who since 2003, spearheaded a Medical Legal Partnership, establishing a collaboration with healthcare providers at the MGH Chelsea HealthCare Center, with the goal of improving the material well-being of low-income immigrants and refugees. Today, LCR remains a steadfast champion for immigrant rights, and many of their participating clients would be negatively impacted directly by the rule, or its chilling effect, stripping away the progress and impact that this 15-year partnership has made to date for immigrants, refugees, and their communities.

The Proposal Runs Counter to Our Mission and History

In 1921, Godfrey M. Hyams established The Hyams Trust. Since its inception, Hyams has been deeply committed to ensuring the well-being of immigrants and other vulnerable ethnic groups. The founding Trustees were wise enough to know that immigrant inclusion and advancement was crucial to the well-being of our city. They founded and seeded settlement houses to promote the health, stability, and advancement of immigrant newcomers to Boston and the Commonwealth—nearly all of whom were underserved and vulnerable—as they knew these services were vital to strengthening the fabric of our communities. And throughout Boston’s history, immigrants have helped to shape all sectors of our society and made our communities vibrant, healthy, and secure.

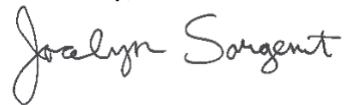
Today, just as before, immigrants remain critical to our economic growth, our cultural vitality, and the strength of our democracy. The Hyams Foundation continues to advance the vision of our founding trustees by supporting immigrant-led organizations that foster leadership development, increase civic engagement, and promote long-term system solutions to expand immigrant rights and achieve racial, economic, and social justice to promote greater equity for all.

The proposed “public charge” changes are the latest in a series of policy changes that would have long-term devastating effects on the stability of immigrant families. Changes such as these roll back decades of progress made through policies that focus on family reunification and stabilization, while also inhibiting the ability of new generations to thrive in schools and the workforce. By institutionalizing a de facto racial quota system, the policy will widen income inequality and racial disparities, while threatening the stability of our democracy and dismantling our values and beliefs as a nation. In short, it will force families to choose between feeding their families and facing deportation.

In closing, we urge the Department of Homeland Security to reconsider this harmful and discriminatory proposal. The damage generated by this proposed rule will ripple across the country, undercutting the well-being of millions and intensifying poverty, homelessness, and illness among immigrants and U.S. citizen children living in mixed-status families. Because immigrant families are—and have always been—fundamental to our society, these negative consequences will resonate throughout the communities where they live and work.

For further information on the impact of these changes on Boston and Massachusetts, please find attached cited research from Massachusetts Budget & Policy Center, and the Boston Planning & Development Agency.

Sincerely,

A handwritten signature in black ink that reads "Jocelyn Sargent". The signature is written in a cursive, flowing style.

Jocelyn Sargent
Executive Director