

November 28, 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)

To Whom It May Concern,

I am writing on behalf of the San Francisco Foundation (SFF) 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 proposed rule would cause major harm to immigrants and their families and place a tremendous burden on localities, states, and philanthropy. **We urge that the rule be withdrawn in its entirety, and that the 1999 guidance remain in effect.**

California is home to 10.7 million – almost a quarter – of the nation’s immigrants.¹ As a community foundation that serves the San Francisco Bay Area, and one that is committed to advancing racial and economic inclusion, we strongly believe that the proposed rule threatens to exacerbate rising inequities across the Bay Area. It would cause lasting damage to our regional community and undermine our significant philanthropic investments in economic security, housing, and workforce development throughout the Bay Area.

¹ See Jeanne Batalova, et al., *Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families’ Public Benefits Use*, Migrant Policy Institute (June 2018).

Protecting Immigrant Families is Critical to Strong Communities

The proposed rule undercuts efforts to promote the economic mobility and social inclusion of immigrants and their families, undermining fundamental values upon which our country is based. The benefits of immigrant integration to broader society are well documented. Immigrants are a large and growing share of the workforce, pay taxes, and support local economies as consumers and entrepreneurs.² From job creation to higher wages to community revitalization, the full inclusion of immigrants in our communities brings a host of positive economic impacts, benefiting everyone in the community.³

The harms flowing from the proposed rule would be detrimental to communities across Northern California. The proposed rule will undercut the health and well-being of millions of immigrant families and exacerbate hunger, child poverty, and homelessness among immigrants and U.S. citizen children living in mixed-status families. A report by the Kaiser Family Foundation estimates that nearly all noncitizens that entered the United States without legal permanent resident status have at least one characteristic that could potentially weigh negatively against them in a public charge determination under the proposed rule.⁴ Because immigrants are interwoven throughout our social and economic fabric, the negative consequences of the proposed rule and its chilling effects will reverberate across the communities where they live and work.⁵

The Proposed Rule Perpetuates Harmful Myths about Immigrants

The proposed rule perpetuates the falsehood and the stereotype that immigrants are overly dependent on public benefits. In actuality, immigrants underutilize benefits and services. For example, Latino children make up 25% of the total child population, but uninsured Latino children made up 39% of all children who are uninsured, despite the fact that the vast majority of uninsured Latino children are eligible for Medicaid and CHIP.⁶

Immigrants are a large and growing share of the workforce, pay taxes, and support local economies as consumers and entrepreneurs.⁷ From job creation to higher wages to community revitalization, the full inclusion of immigrants in our communities brings a host of positive economic impacts, benefiting everyone in the community.⁸

² See PolicyLink, *Immigrant Inclusion: Good for Families, Communities, and the Economy* (2016).

³ *Id.*

⁴ See Samantha Artiga, et al., *Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid*, Kaiser Family Foundation (October 2018).

⁵ *Id.*

⁶ See Georgetown University Health Policy Institute Center for Children and Families and National Council of La Raza, "[Latino Children's Coverage Reaches Historic High, But Too Many Remain Uninsured](#)."

⁷ See PolicyLink, *Immigrant Inclusion: Good for Families, Communities, and the Economy* (2016).

⁸ *Id.*

Hardworking Immigrants Will Be Unfairly Burdened by the Proposed Rule

California has epitomized the American Dream for millions of newcomers, and California's success is directly related to the contribution of immigrants. We have strong concerns that the proposed rule unfairly penalizes hard-working, tax-paying immigrants. Like many Californians, immigrants are working hard to get ahead, but many are living on the brink. In 2014, almost 5 million working Californians made less than \$14 an hour and 40 percent of low-wage workers were foreign born.⁹

The proposed rule wrongly assumes that hard work and the use of public services are mutually exclusive. Due to the nature of low-wage work, there is a lot of overlap between workers and people who receive benefits. Many low-wage workers are underpaid and do not receive benefits from their employers. However, the reality is that we all face adversity at times—in fact, two-thirds of Americans between the ages of 20 and 65 will reside in a household that uses a social welfare program such as SNAP or Medicaid at some point in their lives.¹⁰ For low-wage workers and their families, health, food, and other programs can supplement earnings and enable them to thrive. Contrary to the assumptions underlying the proposed rule, benefits like health and nutrition programs encourage and enable people to work and be a source of support for themselves and their families.

Rather than create the conditions for worker safety and success, the proposed rule threatens to undermine the well-being of hardworking immigrants and establish significant barriers to their economic livelihood.

The Proposed Rule Rolls Back Philanthropic Investments

The proposed rule will roll back decades of investment by philanthropy to increase immigrant families' access to health and social services, reduce racial and ethnic disparities, improve community health and wellbeing, help families weather temporary financial pressures and illnesses, and facilitate long-term self-sufficiency and upward mobility.

Many of the most innovative and effective efforts we support would be jeopardized by the proposed rule. In 2017 alone, SFF funded over 50 organizations working to expand access to opportunity by removing barriers to meaningful employment, supporting policy change, and improving education so that every Bay Area resident can afford to live and thrive in the region. For example, the Building Skills Partnership received funding to advance low-wage immigrant service workers in Alameda County into better jobs through skill building, training, and increased access to career opportunities. Good Jobs for All Collaborative expanded job opportunities for underserved people in San Francisco by developing sector-

⁹ UC Berkeley Labor Center, *Low-Wage Work in California: 2014 Chartbook* (April 2015), available at: <http://laborcenter.berkeley.edu/pdf/2014/chartbook.pdf>.

¹⁰ Mark R. Rank and Thomas A. Hirschl, "Welfare Use as a Life Course Event: Toward a New Understanding of the U.S. Safety Net," *Social Work*, Volume 47, Issue 3, 1 July 2002, Pages 237–248,

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specific hiring policies. Restaurant Opportunities Centers United (ROC-United) received support to build career ladders for people of color, formerly incarcerated people, and immigrants, as well as to expand job training and placement for low-wage workers.

The proposed rule threatens to undermine years of philanthropic investment to advance innovative approaches to promote the economic success and stability of immigrant families. The deleterious effects of the proposed rule will be felt by foundations that seek to promote family economic security and safe and healthy communities. And most importantly, it will fundamentally and adversely impact the well-being of communities across California and the nation; therefore, we urge that the rule be withdrawn in its entirety.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Blackwell', is written over a light blue rectangular background.

Fred Blackwell

Chief Executive Officer

The San Francisco Foundation