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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 W.K. Kellogg Foundation (WKKF) staff and trustees to express our 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 Kellogg Foundation, founded in 1930 as an independent, private foundation by breakfast cereal entrepreneur, Will Keith Kellogg, is among the largest philanthropic foundations in the United States. The Kellogg Foundation, with \$8.6 billion in assets, is based in Battle Creek, Michigan, and works throughout the United States and internationally, as well as with sovereign tribes. Special emphasis is paid to priority places where there are high concentrations of poverty and where children face significant barriers to success. WKKF priority places in the U.S. are in Michigan, Mississippi, New Mexico and New Orleans; and internationally, are in Mexico and Haiti.

The mission of the foundation is to support children, families and communities as they strengthen and create conditions that propel vulnerable children to achieve success as individuals and as contributors to the larger community and society. Children are at the heart of everything we do at the Kellogg Foundation; a directive established by our founder, Will Keith Kellogg. But we know that children live in families and families live in communities. And those communities need to be equitable places of opportunity for *all* people, including immigrant parents and their children; parents who contribute to their communities and to our economic, civic and social vibrancy.

First and foremost, the proposed rule change directly undermines the Kellogg Foundation's effort to ensure all children thrive. It jeopardizes the well-being of parents and their children the foundation serves; it disinvests in families; it cripples our communities and economy; and it perpetuates myths about immigrants and benefits – all things the foundation actively works against.

Specifically:

- The proposed rule **penalizes immigrant parents and children** for enrolling in services for which they are eligible. A quarter of children in America (1 in 4) have an immigrant

parent, numbering nearly 18,000,000.¹ This regulation will force millions of parents to weigh the risk of future denial of lawful permanent residency status against the risk of denying their families access to necessary supports like safe housing, adequate food and health care. Enacting a regulation that undermines the health and well-being of families runs counter to the Kellogg Foundation's long-standing values.

- The proposed rule has the potential to **fundamentally disrupt the trajectory for many children**, thwarting their access and opportunity to succeed. For people working low-wage jobs, health and nutrition assistance helps them and their families stay healthy, thrive and contribute to society. Multiple studies demonstrate that benefits targeted by the proposed regulation, such as Medicaid and SNAP.² Jeopardizing these vital services puts children at risk, decreases their lifelong health and impedes their self-sufficiency into adulthood.
- Children are at the heart of everything we do at the Kellogg Foundation, and we know that children live in families and families live in communities. The proposed rule has the potential to **increase income inequality, cripple our communities and damage local, regional and national economies** in aggregate as more families are pushed into poverty and homelessness with the proposed rule change.
- Finally, this rule **perpetuates unfair myths and false narratives about immigrant children and families**. This proposal comes at a time when immigrant communities are under attack with several policy recommendations (e.g., the 2017 executive order essentially listing any individual without legal immigration status as a priority for deportation; the proposal to end to the Deferred Action for Childhood Arrivals program, putting 800,000 undocumented youth immigrants at risk for deportation; the policy recommendation to deny federal support to sanctuary cities; the proposal to add a citizenship question to the 2020 Census; and many more) and public sentiments that exacerbate racial disparities. These proposed policies, including this proposed rule, and negative public sentiment perpetuate a dominate narrative against immigrant families that stoke the bias, fear and hate that WKKF tries to jettison in our commitment to expanding equity.

The proposed rule would directly undermine Kellogg Foundation investment in New Mexico, as an example. New Mexico is a priority place for the foundation; we have been actively engaged in the state for nearly 75 years. And while 1 in 9 New Mexico residents is a native-born U.S. citizen with at least one immigrant parent, foreign-born residents are vital members of New Mexico's labor force with immigrants accounting for over 37 percent of the state's fishers, farmers and foresters, and 18 percent of employees in the construction industry.³

Some of our key investments in New Mexico include:

- **Partnership for Community Action (PCA)**: PCA works directly with immigrant parents of young children to inform and engage them in enrolling their children in high-quality,

¹ See Migration Policy Institute, "[Children in U.S. Immigrant Families](#)."

² See Hoynes and Schanzenbach, "[Safety Net Investments in Children](#)."

³ See American Immigration Council, "[Immigrants in New Mexico Fact Sheet](#)"

early-learning programs. Under the proposed rule change, these parents might be reluctant to apply for a child care subsidy from the state to enroll their child in high-quality, early-education programs, even if their child is a U.S. citizen.

- **La Plaza de Encuentro Gathering Place (Encuentro):** Encuentro provides adult educational programs for mostly immigrant women, many of whom are parents. One program that Encuentro has developed in partnership with Central New Mexico Community College (CNM) is a home health aide training and certification program. The participants of this program receive a scholarship from CNM to make courses affordable and accessible. Scholarship recipients may decline their scholarships and entirely drop out of their program in order to provide for their families if they do not have access to benefits.
- **NM Asian Family Center (NMAFC):** NMAFC works to improve the overall well-being of Pan-Asian families within New Mexico, specifically within southeast Albuquerque which is inclusive of the International District neighborhood. They do this by providing direct services to families while also supporting multigenerational leadership development on issues of early childhood health and education. NMAFC has supported Asian moms in seeking pre- and post- natal health care. However, with the proposed rule change to 'public charge', families within our community who are currently eligible to receive coverage under the Medicaid pregnancy program would be discouraged from receiving health benefits or low-cost health care.
- **New Mexico Center on Law and Poverty (NMCLP):** NMCLP advocates for improving the health and nutrition of New Mexico's low-income families through Medicaid and SNAP benefits. Children and families that qualify for Medicaid and SNAP will have to forego health care coverage and food assistance and many immigrant parents may be reluctant to apply for benefits for their U.S. citizen children, due to the proposed rule change.

In sum, the proposed rule is counter to the Kellogg Foundation's long-standing commitment to children, families and communities. It undermines our WKKF national and place-based investments, putting our currently funded programs and organizations at risk, and adversely affecting our long-term commitment to these communities.

Sincerely,

Carla Thompson Payton
Vice President for Program Strategy
W.K. Kellogg Foundation