



van Löben Sels/RembeRock Foundation

131 Steuart Street, Suite 301

San Francisco, CA 94105

(415) 512-0500

www.vlsrr.org

DIRECTORS:

Toni Rembe – President

Julie Divola – Secretary

Brian Wong - Treasurer

Thomas C. Layton – Director

Irma Herrera – Director

Nancy Wiltsek – Executive Director

November 27, 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 van Löben Sels/RembeRock 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.

Founded in 1966, the van Löben Sels/RembeRock Foundation is based in San Francisco and supports legal services and social justice organizations in Northern California as well as Court Appointed Special Advocates (CASA) programs in the far north of the State.

The Foundation is opposed to the proposed rule change for so called “public charge” for a number of reasons. Firstly, we are convinced it will significantly and negatively impact family-based immigration. Contrary to the current rhetoric about “chain migration,” it has been foundational to our immigration system for the last 50 years because family-based immigration not only strengthens families and communities, it is in alignment with core American beliefs around the value of family.



Secondly, the proposed rule will jeopardize the wellbeing of parents and their children, including children who are American citizens and clearly eligible and entitled to those benefits. We understand that the use of public benefits by children will not factor into an immigrant parent's public charge determination, but the rule will undoubtedly put a chill on children's enrollment in vital services as millions of parents will be forced to weigh the risk of future denial of lawful permanent residency status against the risk of denying their families access to adequate food, housing and health care. We have heard from a number of our grantee partners that their clients are already dis-enrolling from important programs out of fear it will affect their immigration status in the future. This means that families are risking their current wellbeing so as not to jeopardize their ability to apply for a green card or visa at some point in the future. ***How can the Department believe that enacting a regulation that undermines the health and well-being of families will contribute to making our country stronger?***

Thirdly, we are opposed to the proposed broadening of the definition of which public benefits and services may be considered negative factors in the public charge determination. U.S. law already requires that immigrants show they are self-sufficient when applying for a green card or visa. Current policy, which defines public charge as reliance on cash assistance or long-term institutionalized care, focuses on individuals who are primarily dependent on public assistance. The new proposal, however, would punish people for using any one of a number of benefits and services which actually serve to keep low-income workers and their families healthy and employed, including low-cost prescription medication and food assistance. The proposal also treats occasional or temporary use of such benefits as on a par with primary reliance on benefits.

Finally, the proposed rule perpetuates the false and misleading stereotype that immigrants are overly dependent on public benefits. According to research by Georgetown University's Health Policy Institute Center for Children and Families, immigrants underutilize benefits and services. Therefore, from our vantage point, the problem regarding immigrant families' utilization of public benefits is underuse relative to need.

The proposed rule change is part of a systematic attack on all forms of immigration to the U.S. and on immigrants living in the U.S., the majority of whom are hardworking, tax-paying residents. ***What is the purpose of the proposed change except to promulgate unfounded and negative stereotypes about immigrants, make it harder for immigrants to sponsor relatives, instill fear in communities and make immigrants feel unwelcome in the U.S.?***

It is our hope the Department decides to pull back on this distinctly un-American proposed rule change.

Sincerely,

Nancy Wiltsek, MNA
Executive Director