



December 10, 2018

Samantha Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, D.C. 20529-2140

RE: RIN 1615-AA22, Notice of Proposed Rulemaking on Inadmissibility on Public Charge Grounds

To Whom It May Concern:

The Local Initiatives Support Corporation (LISC) appreciates the opportunity to provide comments on proposed amendments to the U.S. Department of Homeland Security's (DHS) public charge regulations.

Established in 1979, LISC is a national nonprofit housing and community development organization that is dedicated to helping community residents transform distressed neighborhoods into healthy and sustainable communities of choice and opportunity. LISC mobilizes corporate, government and philanthropic support to provide local community development organizations with loans, grants and equity investments; as well as technical and management assistance. Our organization has a nationwide footprint, with local offices in 33 cities. LISC invests approximately \$1.4 billion each year in these communities and our work covers a wide range of activities, including affordable housing, economic development, building family wealth and incomes, education, and creating healthy communities.

General Comments

LISC is opposed to amending the current public charge rule in the manner proposed by DHS.

LISC supports many neighborhoods with large immigrant populations. The communities where we invest are home to 1.5 times more foreign-born residents than those in the average American metropolitan area. We partner in these communities with local community development organizations that offer job training, English language classes and youth programs to immigrants and refugees, and that organize new residents to fight discrimination and ensure access to health care, housing, and other needed services. We believe in fully supporting recent arrivals access to the resources to which they are legally entitled. The proposed rule will cut off access to many of these

critical resources, and in so doing, endangers the health, safety, education, and economic prospects of the populations we support through our community based partners.

We know from our work that as long as immigrants have come to the United States, immigrant-led neighborhood organizations have formed to support them. Recent research confirms the power of such groups in creating pathways to economic opportunity.¹ In turn, our new neighbors often give back to their adopted communities, helping revitalize neighborhoods. LISC has seen this play out all over the country, in low-income urban and rural areas, and has been a key driver of economic and population growth in many places experiencing decades of disinvestment and out migration. Areas with increasing immigrant populations often rely on these residents to help stabilize local tax bases, revitalize commercial corridors with new small businesses, meet employer's labor needs, stabilize housing conditions, amongst other positive contributions.

Comments on the Notice of Proposed Rulemaking

DHS states in the proposed rule that it “seeks to better ensure that aliens subject to the public charge inadmissibility ground are self-sufficient, i.e., do not depend on public resources to meet their needs, but rather rely on their own capabilities, as well as the resources of family members, sponsors, and private organizations.” DHS proposes to change the regulatory definition of public charge to “identify the types, amount, and duration of receipt of public benefits that would be considered in public charge inadmissibility determinations.” Public charge determinations are utilized when a person applies to enter the United States, applies to adjust their status to become a lawful permanent resident, or when a green card holder leaves the United States for more than 180 consecutive days and reenters.

The proposed public charge rule changes not only inappropriately stigmatizes those who are extremely low-income, but is also contradictory in that it inhibits the ability of immigrants to access the services that they need in order to achieve financial stability. Public charge is currently defined as a person who is “primarily dependent on the government for subsistence, as shown by either the receipt of public cash assistance or institutionalization for long-term care at the government’s expense.” DHS is proposing to change this definition to negatively weigh any applicant who uses or receives, or is likely to use to receive, one or more public benefits, including non-cash assistance. The proposed rule expands the number of programs which can be considered in determining a public charge to include the use of Medicaid, Supplemental Nutrition Assistance Program (SNAP), and housing assistance provided through the public housing, Section 8 Housing Choice Voucher, and Section 8 Project-Based Rental Assistance programs. In contrast, the current rule only includes cash assistance through the Supplementary Security Income and Temporary Assistance to Needy Families programs and government funded long-term institutional care. As troubling, DHS proposes to negatively weigh several factors in a manner inconsistent with the original intent of the public charge rule, including: applicants earning less than 125 percent of the federal poverty level, being a child or a senior, having certain medical conditions, limited English ability, less than a high school education, and poor credit history.

¹ Sheryl Ann-Simpson, *Negotiating Places of Incorporation: Comparing the Practices of Community Development Organisations in Immigration and Incorporation*, April 7, 2015. Accessed at: <https://www.tandfonline.com/doi/abs/10.1080/1369183X.2015.1022515>

The proposed public charge rule is a significant break from current policy, which does not negatively weigh an applicant's use of public assistance programs that help immigrants with their basic needs and which support work. LISC's 40 year history of collaborating with community based organizations to improve low-income communities has shown us that key federal assistance programs, such as SNAP, Medicaid, and housing assistance provide essential self-sufficiency supports. These programs provide supplementary benefits not often available through low-wage employment. Negatively weighing the use of these programs when processing certain immigration actions will discourage immigrants from utilizing public services they are legally entitled to receive, potentially increasing poverty and hardship and increasing our nation's spending on health care.

As DHS notes in the proposed rule, disenrollment from federal assistance programs will cause numerous problems, including, but not limited to: increased rates of housing instability and poverty, worse health outcomes, increased use of emergency rooms; and increased rates of food insecurity. DHS states in the proposed rule that there will be other likely "unanticipated consequences and indirect costs" from public assistance program disenrollment, including that "community based organizations, including small organizations, may provide charitable assistance, such as food or housing assistance, for individuals who forego enrolment in public benefit programs." LISC's history of supporting community based organizations in low-income communities has shown us that while these organizations provide essential services, they cannot be effective without other federal assistance programs – and certainly cannot be viewed as a replacement for federal resources. Community based organizations do not have the financial resources or organizational capacity to make up for the loss of federal housing, food, or health assistance. These organizations supplement the nation's safety net and should not be asked to be the primary providers of public assistance to vulnerable populations. Lastly, LISC's research has found that community groups have *already* needed to work much harder and expend scarce resources in order to reach and serve populations who have been fearful of accessing all kinds of public and community services due to rumors of an impending rule change. The implementation of a changed public charge rule would certainly exacerbate these costs.

These proposed changes will have a chilling effect on all immigrant families, including those not subject to the rule, due to confusion on who the rule impacts. In addition, it will force families to have to choose between receiving essential public assistance, which helps them meet daily needs, and their goal of entering or staying in the United States. LISC strongly opposes these efforts by DHS to amend the current Public Charge rule.

LISC would be happy to provide additional information on our comments. Please contact Mark Kudlowitz (mkudlowitz@lisc.org) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Josephs". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matt Josephs
Senior Vice President for Policy