December 10, 2018

U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Sir/Madam:

As members of the U.S. Child Poverty Action Group, a partnership of national organizations dedicated to cutting the U.S. child poverty rate in half within a decade, the signed groups are writing in strong opposition to the proposed rule regarding public charge determinations as published in the Federal Register.

The U.S. Child Poverty Action Group undertakes our work through raising awareness, building political will, and advocating for policies proven to reduce child poverty. We strive to be a resource for dedicated lawmakers, media outlets, and advocates fighting on behalf of children in poverty.

Given our mission, we urge that the rule be withdrawn in its entirety due to the impact it will have in increasing child poverty in the United States. Instead, we ask that long-standing principles clarified in the 1999 field guidance remain in effect.

Introduction

The strength of our economic future is dependent on the well-being and success of our nation’s children. They are one-quarter of our population but our entire future. Yet child poverty remains high, with 17.5 percent (12.8 million children) living below the poverty line.\(^1\) Children experience poverty at a rate that is 62 percent higher than adults.

These numbers get even more alarming when taking into account families living just above the poverty line. More than 40 percent of children younger than 18 are living in

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low-income families, with an annual income of less than $50,000 a year for a family of
four with two adults and two children.\(^2\)

If implemented, this rule would make sweeping changes to long-standing, bipartisan
immigration policy that would only further increase the already high rate of child
poverty in the U.S.

The rule proposes to expand who may be deemed a public charge (i.e., burden on the
public coffers) in the consideration of an application for lawful permanent resident
status and/or lawful admission. The proposed rule would alter the public charge test
dramatically, abandoning the enduring meaning of a public charge as a person who
depends on the government for subsistence, changing it to anyone who simply
receives assistance with health care, nutrition, or housing.

This represents a drastic change to now include a broader range of services including
Medicaid, nutrition assistance through the Supplemental Nutrition Assistance
Program (SNAP) and housing assistance such as Section 8 Housing Choice Vouchers,
Section 8 Project Based Rental Assistance and Public Housing. In addition, while the
Children’s Health Insurance Program (CHIP) is not initially included on this list, the
Department asks for input through public comment as to whether it should be
included in a public charge determination.

If any of these programs are added to the public charge determination, lawfully
present immigrant children and their parents will be in danger of losing health
coverage, nutrition assistance, housing support and income support for themselves
and their families. This loss of coverage will ultimately threaten the financial stability
of millions of families, increase the population of uninsured individuals, and hinder
the healthy growth, development, and trajectory of children.

This rule will directly impact children who themselves apply for green cards later in
life unless they are asylees, refugees, or otherwise exempt. Furthermore, children in
households with immigrant parents – many of which are U.S. citizens – will suffer
from a loss of income and resources to the household that support their healthy
development. There is no way to hurt immigrant parents without also harming their
children - when parents are uninsured, illness goes untreated and if parents lose access
to SNAP, the whole family will have less to eat.

In addition, beyond those families directly subject to the rule, expanding the public
charge determination will have a broad chilling effect and deter all immigrant

\(^{2}\) Id. at pp. 18.
households from accessing any essential services out of fear it will negatively impact their immigration status. The complexity and severity of implications stemming from the rule will cause fear and uncertainty among immigrant families even if they are still entitled to benefits. In other words, even immigrants and family members who are not subject to this rule will be deterred from receiving benefits that they are entitled to due to a general confusion of which programs and populations are considered.

This rule disproportionately targets children and their basic needs. First, the rule indicates that large household size is a negative factor, thereby targeting households with children. Age is also a negative factor, so minor children would see their age count against them.

The Department asks about public charge determinations for non-citizen children under age 18 who receive one or more public benefit. We strongly believe that receipt of benefits as a child should not be taken into account in the public benefits determination as it provides little information on their future likelihood of receiving benefits.

**Rule will Increase Child Poverty Rate and Exacerbate Disparities**

Child development research shows that kids benefit from resources provided at an early age – and that those resources create a long-term positive impact on the child’s life and long-term economic contributions, regardless of the family’s socioeconomic status. When we don’t give children a healthy start in life—even from the womb—and sustain them through their physical and intellectual growing years, we might not see the effects right away, but we will surely pay for it more later.

Children of immigrants are the fastest-growing group of American children. Approximately 1 in 4 children (18 million) live in a family with at least one immigrant parent. Many immigrant parents are working and employed in essential, but lower-paying jobs that don’t provide access to employer-sponsored health insurance or a pension plan and which diminish their ability to invest in their children. This, combined with skyrocketing rents and the high cost of everyday goods, means that immigrant parents still struggle to make ends meet and need key assistance programs to supplement resources for their families.

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The U.S. Census Bureau tells us that millions of children are lifted out of poverty each year by programs such as SNAP, housing assistance, the Supplemental Security Income (SSI) program and the Temporary Assistance for Needy Families (TANF) program. This data confirms what we know to be true - access to proper nutrition, housing, and income supports not only lift children out of poverty in the short-term, but create a long-term positive impact on a child’s life.

Yet under current immigration law, many immigrant households with children are not eligible for assistance programs due to their immigration status. As a result, children in immigrant families are more likely to be living in low-income households than children in U.S.-born families. This rule would only exacerbate this disparity by further limiting access to these programs for immigrant families with children.

The rule explicitly states that child poverty in the United States will increase as a result of limiting access to these programs for immigrant families. Yet stunningly, the agency fails to account for this in its cost-benefit analysis. Indeed, though the Department acknowledges that the rule will result in “increased rates of poverty” among other harm, it treats this as a “non-monetized cost.” This assertion is not only misleading, given the extensive research on the high costs of child poverty to our society, it also vastly underestimates the economic harm this rule will impose on the nation.

**Child Poverty is Costly to Our Nation**

Research shows that child poverty costs our country over $1 trillion a year or about 5.4 percent of GDP. This is due to lost economic productivity and higher expenditures associated with healthcare, child maltreatment, and child homelessness.

Therefore, everyone—regardless of socioeconomic status—beneﬁts from strategies that lift children out of poverty. Solutions to child poverty are tied to economic gains that result in a strong and educated workforce. These solutions beneﬁt businesses, communities and, not least of all, children and families.

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9 Ibid.
The high rate of child poverty will hamper our country’s future economic success. In the coming decades, the ratio of seniors to those of working age will be twice as great as it was in the 20th century. This means far fewer workers to support our economy and replace those who are retiring. This shift would be even more dramatic if it weren’t for immigration, because grown children from immigrant families will account for about three-quarters of the growth in working-age population projected from 2020 to 2030.  

So it is now more critical than ever to invest in our nation’s children, who make up our future tax base. Yet the United States is currently taking the opposite approach and spends much less of its gross domestic product on benefits for families – less than one percent - compared to other middle- and high-income countries. In comparison to 21 other countries, the U.S. ranks second-to-last in its spending on families.  

Child Poverty is a Solvable Problem

Child poverty is a solvable problem when there is the political will to address it. The United States should look to other countries for guidance. For example, in the United Kingdom, the child poverty rate remains lower than in the United States due to a national commitment and strategy to address it. 

Inspired by the UK, in May 2016 First Focus started the U.S. Child Poverty Action Group and for the past two years, CPAG has been working to elevate the issue of child poverty in the United States though information sharing, policy education, and direct advocacy. In April 2018 CPAG released Our Kids, Our Future, a compendium over 20 policy solutions that can significantly reduce child poverty and support a better quality of life for all children. 

Papers in the compendium include recommendations on increasing access to affordable and quality childcare and early childhood education, establishing a universal child allowance, reducing the effect of poverty on student achievement and attainment, addressing the increase in child welfare cases due to the opioid

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crisis, increasing families’ access to housing assistance, retooling the federal homeless assistance system, creating a universal paid family leave program, supporting family asset building, meeting the needs of low-income children with special healthcare needs, and more.

Yet rather than using political will to reduce child poverty through implementing recommendations such as these and increasing access to healthcare, nutrition assistance, affordable housing, income supports and educational resources, this rule takes the opposite approach. By limiting access to critical resources for millions of children, the rule will serve to instead further increase child poverty and lead to a future generation of children with weakened physical, mental health, nutritional, and educational outcomes.

**Conclusion**

In the United States, there are millions of children living in poverty each day and trying to thrive but faced with barriers at every stage of their development. This rule will only serve to increase these barriers and therefore is the wrong direction for our children and our nation’s future. Instead, let us prove that we recognize their value by making child poverty reduction a top priority.

When *all* children succeed, *all* of us benefit.

Sincerely,

Child Welfare League of America  
First Focus  
National Center for Children in Poverty  
National WIC Association  
Prosperity Now