



November 30, 2018

To: Samantha Deshommès
Chief, Regulatory Coordination Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529

Re: Notice of Proposed Rule, “Inadmissibility on Public Charge Grounds,” DHS Docket No. USCIS-2010-0012

Dear Ms. Deshommès,

I write on behalf of the Unitarian Universalist Service Committee (UUSC) to ask that you reconsider the proposed rule “Inadmissibility on Public Charge Grounds,” as it conflicts with the human rights obligations of the U.S. government, as well as the moral values that our nation at its best has sought to embody. In particular, we wish to bring the four following concerns to your attention:

I. The proposed rule undermines family unity, denies opportunity, and stigmatizes immigrants for using services that should be available to all.

In extending the list of factors that may be negatively weighed against immigrants in determining whether they are inadmissible on public charge grounds, the proposed rule will lead to the separation of family members who otherwise would have benefited from family-based visa preferences. It will also lead to the exclusion of immigrants on the basis of health conditions, income, lack of English proficiency, and the use of social services.

Opportunity and access to essential services are human rights, as well as core U.S. values. To exclude immigrants because of current lack of monetary resources and specific language skills is to deny the chance for future flourishing, as well as to create artificial barriers of wealth and privilege – a violation of our democratic way of life.

Moreover, social services and public benefits of one kind or another are used by the vast majority of people in our society¹ (including many wealthy and powerful people and institutions who benefit from taxpayer subsidies in far greater amounts than any low-income families receive through cash or in-kind benefits²). Many social programs are prerequisites of a dignified life and should never be treated as grounds for stigmatizing or excluding people from our society.

¹ See Derek Thompson, “7 Facts About Government Benefits and Who Gets Them,” *The Atlantic*, Dec. 18, 2012.

² See Emily Badger and Christopher Ingraham, “The rich get government handouts just like the poor. Here are 10 of them,” *Washington Post*, April 9, 2015.

Further, the profound changes to some of our core commitments as a nation that this rule represents need to be subject to the review and scrutiny of the U.S. public. For this reason, it is particularly concerning that the Trump administration has reportedly rushed through similar changes to the definition of public charge grounds in the Department of State (DOS) Foreign Affairs Manual, without allowing for the obligatory notice and comment period that the administration has followed with the present rule.³

For the vast majority of people seeking admission to the United States, both DOS and Department of Homeland Security (DHS) procedures come into play during the visa application and admission process.⁴ This administration's alleged actions of rushing through a revision to DOS procedures before the conclusion of the present rule's comment period creates a discrepancy between the two departments' standards. This inconsistency places families and individuals applying for immigration status in an unsustainable limbo.

II. The proposed rule will depress immigrants' participation in social programs beyond those whom it directly impacts.

As the rule text itself notes, in calculating the likely costs and benefits of the proposed changes, "Research shows that when eligibility rules change for public benefits programs there is evidence of a 'chilling effect' that discourages immigrants from using public benefits programs for which they are still eligible."⁵

This "chilling effect" was observed starkly among immigrants, for instance, after Congress severely restricted many noncitizens' eligibility for public benefits in the 1996 Personal Responsibility and Work Opportunity Act (PRWORA), commonly known as "welfare reform." A 1999 report by the Urban Institute found that use of public benefits fell by 35% between 1994 and 1997 – an effect that apparently owed more to the "chilling effect" of perceived changes than to actual loss of eligibility, according to the Institute's analysis.⁶

By interfering with immigrants' access to public benefits through depressing participation in these programs, the proposed rule implicates a number of human rights protections, as discussed more fully below.

III. The proposed rule aligns with the Trump administration's false, discriminatory, and racist statements about immigrants of color.

Both as a candidate and as president, Donald Trump has repeatedly made racist statements about immigrants of color from the Global South and has promoted the false belief that new

³ See Complaint for Injunctive and Declarative Relief, *City of Baltimore v. Trump*, Case 1:18-cv-03636-ELH https://law.baltimorecity.gov/sites/default/files/2018-11-28_FAM_Change_Complaint_AS-FILED.pdf.

⁴ *Ibid.*

⁵ Proposed rule, "Inadmissibility on Public Charge Grounds," *Federal Register*, 83 FR 51114.

⁶ Michael E. Fix and Jeffrey S. Passel, *Urban Institute*, "Trends in Noncitizens' and Citizens' Use of Public Benefits Following Welfare Reform 1994-97," March 1999.

<https://www.urban.org/sites/default/files/publication/69781/408086-Trends-in-Noncitizens-and-Citizens-Use-of-Public-Benefits-Following-Welfare-Reform.pdf>.

immigrants to the United States consume a disproportionate share of public resources.⁷ Trump's many comments on social media include the false assertions that "illegal immigrant households receive far more in federal welfare benefits - than [n]ative American households"⁸ and that "an illegal immigrant can walk across the border and receive free health care."⁹ The proposed rule caters to similar misinformation.

In reality, Congress has already made it extremely difficult for non-citizens to access most federal benefits (though some state governments retain more generous policies). PRWORA, which immigration historian Roger Daniels has called "one of the most mean-spirited acts passed by a modern American Congress," placed severe limitations on legal immigrants' access to many forms of public assistance.¹⁰

Because many immigrants, both undocumented and documented, participate in the workforce without being able to access many of the public benefits that other U.S. residents enjoy, they contribute on average far more to public coffers than they withdraw. A 2013 study by the Social Security Administration, for instance, found that undocumented immigrants had contributed \$12 billion more to the Social Security Trust Fund in one year than they would ever be able to receive in benefits.¹¹ Likewise, a 2018 article published in the *International Journal of Health Services* concludes that "Overall, immigrants almost certainly paid more toward medical expenses than they withdrew, providing a low-risk pool that subsidized the public and private health insurance markets."¹²

So too, refugees—a category of legal immigrants who often initially rely on public services when they are in the resettlement process—contributed \$63 billion more to public revenues than they received over the past decade, according to a recent draft study rejected by the Trump administration.¹³

The proposed rule, which is ostensibly intended "to better ensure that aliens subject to the public charge inadmissibility ground are self-sufficient,"¹⁴ addresses a problem that does not exist. Current immigrant populations in the United States are highly self-sufficient and in fact

⁷ David Leonhardt and Ian Philbrick, "Donald Trump's Racism: The Definitive List," *New York Times*, Jan. 15, 2018. <https://www.nytimes.com/interactive/2018/01/15/opinion/leonhardt-trump-racist.html>.

⁸ "Trump: I'll Fix Welfare System that Helps Illegal Immigrants More than Americans," *Fox News Insider*, May 11, 2016. <http://insider.foxnews.com/2016/05/11/trump-rips-welfare-system-gives-illegal-immigrants-more-americans>.

⁹ Donald J. Trump (@realDonaldTrump), *Twitter*, July 18, 2015, 2:16 PM, <https://twitter.com/realDonaldTrump/status/622469994220273664>.

¹⁰ Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Farrar, Straus, Giroux, 2004), p. 246.

¹¹ Stephen Goss et al., "Effects of Unauthorized Immigration on the Actuarial Status of the Social Security Trust Funds," Social Security Administration, Actuarial Note No. 151, April 2013.

¹² Lila Flavin, Leah Zallman, Danny McCormick, and J. Wesley Boyd, "Medical Expenditures on and by Immigrant Populations in the United States: A Systematic Review," *International Journal of Health Services* 0(0). 1–21. http://www.pnhp.org/docs/ImmigrationStudy_IJHS2018.pdf.

¹³ Julie Hirschfeld Davis and Somini Sengupta, "Trump Administration Rejects Study Showing Positive Impact of Refugees," *New York Times*, Sep. 18, 2017. <https://www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html>.

¹⁴ Proposed rule, op. cit.

contribute more than their share to the public purse. The belief that they do not do so is sustained solely by racist misconceptions, not by the available evidence.

IV. The proposed rule betrays our values as people of conscience and members of our society.

UUSC is a U.S.-based human rights organization with more than 40,000 members and supporters across the country. We draw inspiration from the principles of the Unitarian Universalist faith tradition, as well as the words of the Universal Declaration of Human Rights, which the United States helped ratify 70 years ago to the day of the close of this rule's comment period. The proposed rule fails to coincide with either source of our values.

Among the principles of Unitarian Universalism is an affirmation of “the inherent worth and dignity of every person” as well as “the goal of world community with peace, liberty, and justice for all.” These values commit us to the belief that our immigration laws should serve the cause of justice, fairness, and family unity. The proposed rule conflicts with these values, both by erecting barriers between loved ones who should benefit from the family-based migration system that Congress has enacted, as well as by making admission to the United States contingent upon preexisting wealth and social privileges.

Likewise, the Universal Declaration of Human Rights states that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” (Art. 16) and that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services[.]” (Art. 25). By undermining access to family-based migration as well as the social programs that often serve as prerequisites for a dignified life in a complex society, the proposed rule conflicts with the spirit of both articles.

The proposed rule also undermines the United States' values and commitments as a nation. In recent history, U.S. presidents of both major parties have expressed a commitment to a vision of the United States as a homeland for the persecuted and destitute, where it is possible to pursue new opportunity and a decent life regardless of race, creed, or material advantages. Upon signing the 1965 Immigration and Nationality Act on Liberty Island, President Lyndon Johnson declared that the new law was intended so that “the gate to the American Nation” might never again be shadowed “with the twin barriers of prejudice and privilege.”¹⁵

In President Ronald Reagan's 1989 Farewell Address to the nation, he similarly declared his conviction that the United States must be a land where “the doors were open to anyone with the will and the heart to get here.”¹⁶

¹⁵ Lyndon Baines Johnson, “President Lyndon B. Johnson's Remarks at the Signing of the Immigration Bill Liberty Island, New York,” LBJ Presidential Library, Accessed Nov. 30, 2018. <http://www.lbjlibrary.org/lyndon-baines-johnson/timeline/lbj-on-immigration>.

¹⁶ Ronald Reagan, “Farewell Address to the Nation,” Ronald Reagan Presidential Library and Museum, Accessed Nov. 30, 2018. <https://www.reaganlibrary.gov/011189j>.

The core conviction that underlies each statement is reflected in the famous words inscribed on the base of the Statue of Liberty, from the poem by Emma Lazarus: “Give me your tired, your poor, your huddled masses yearning to breathe free.”

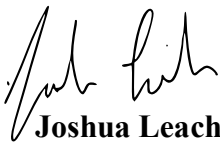
Likewise, belief in family unity and multicultural diversity as bedrocks of the U.S. immigration system are a key part of our moral inheritance as a nation. In 1965, President Johnson also decried the injustice of prior immigration measures that were based on discriminatory nationality quotas, saying that under the old system: “Families were kept apart because a husband or a wife or a child had been born in the wrong place.”

“This system,” he went on to declare, had been “un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country.”¹⁷

So too, in a speech nearly a century earlier in 1869, the eminent abolitionist Frederick Douglass called for a more generous, open-hearted immigration policy. “The voice of civilization speaks an unmistakable language against the isolation of families, nations and races,” he wrote, “and pleads for composite nationality as essential to her triumphs.”¹⁸

The proposed rule as drafted betrays this moral heritage. UUSC asks that you re-draft the rule in order to bring it into line with the values of family unity, fair treatment, and diversity that sustain our multiracial democracy.

Sincerely,



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¹⁷ Johnson, op. cit.

¹⁸ Frederick Douglass, “The Composite Nation (1869),” BlackPast.org, Accessed Nov. 30, 2018.
<https://blackpast.org/1869-frederick-douglass-describes-composite-nation>.