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MICHAEL B. SHEEDY
EXECUTIVE DIRECTOR



December 10, 2018

Samantha Deshommnes
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 20529-2140

Re: Comments on Proposed Rule – Inadmissibility on Public Charge Grounds

Dear Chief Deshommnes:

These comments are in response to the U.S. Department of Homeland Security's proposed rule, regarding admissibility determinations based on likelihood of becoming a public charge. The proposed public charge test should be rejected for the following reasons:

Proposal will increase unlawful migration

Undocumented immigrants are already excluded from receiving federal public benefits. The proposed rule would only penalize migrants who have entered, or are attempting to enter, the U.S. lawfully. The proposed rule's process discourages lawful migration by creating a more onerous pathway to lawful migration.

Additionally, asking people to choose between providing basic needs - for which they are legally eligible - for their families and protecting their legal status is a false choice no one should face. Human beings will almost always prefer the wellbeing of their families to any alternative. The rule will inevitably lead to documented immigrants becoming undocumented as their visas expire or they do not seek adjustment of status after accepting a benefit to provide for their families.

Immigrants are contributors to – not a drain on – our economy

The proposed rule states that it intends to, "ensure that aliens ...are self-sufficient, i.e., do not depend on public resources to meet their needs..." However, studies show that immigrants have a net-positive impact on our economy over time, even though some may temporarily accept public benefits (lawfully) to feed and house their families on their path to self-sufficiency. *

The rule proposal cites an expected cost savings; however, it does not consider the redirected implementation costs to state and local governments or the increased costs of social service providers, uncompensated care, and safety net hospitals.

Income factors do not adequately reflect a person's value in these cases

Under the proposed rule, having an income below 125% of the poverty level would be considered a heavily weighted negative factor. Being gainfully employed or otherwise financially supported at 250% of the poverty level or higher is considered a heavily weighted positive factor. A human being's value is intrinsic and one's potential or contribution to this nation cannot be solely determined by his or her resources. Intentionally targeting the poor is inconsistent with our history as a nation of immigrants.

Furthermore, the consideration of family size as a factor in determining inadmissibility is far from a pro-life, pro-family policy.

Recommendation: withdraw the proposed rule

The proposal specifically requests feedback on whether to include the Children's Health Insurance Program in the expanded list of the public charge test. Accepting preventive health care for children should not be considered as a negative factor. The list should not be expanded at all.

To make a population eligible for certain benefits and later use access to those benefits against them when applying for adjustment, extension of stay, or change of status is improper. We request the withdrawal of this rule proposal.

Sincerely,

A handwritten signature in blue ink that reads "Michael B. Sheedy". The signature is written in a cursive style with a large, looped 'y' at the end.

Michael B. Sheedy

* Institute on Taxation and Economic Policy, <http://www.itep.org/immigration/>, accessed December 7, 2018.