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Department of Homeland Security
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RE: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22; Notice of Proposed Rulemaking – Inadmissability on Public Charge Grounds

The undersigned institutional investors, members of the Interfaith Center on Corporate Responsibility (ICCR), a coalition of faith-based and values-driven institutional investors representing $400 billion in assets under management, have profound concerns about the federal government's proposed rule "Inadmissibility on Public Charge Grounds" and its potential impact on the immigrant, business, and investment communities. The proposed rule would ultimately punish immigrants for accessing non-cash benefits designed to keep families fed, healthy and sheltered.

The Department of Homeland Security's proposed rule changes the definition of public charge. The rule change expands the list of public benefits to be considered as a public charge, defines the factors to be considered in the totality of circumstances, and requires a public charge assessment on non-immigrant visa holders who wish to adjust or extend their status in the U.S. The proposed changes to the public charge rule would likely have a more significant impact on workers in certain industries because their work categories are defined as "low-skilled" by the government thus making their wage rates and financial status subject to extra scrutiny under the rule.

Federal, state and local governments provide a range of non-cash benefits that are means-tested and designed to improve the health, safety and education of residents, including children. The proposed rule, if finalized, would create an unfair and dangerous chilling effect: out of fear that they or their family members would be denied the ability to become Legal Permanent Residents or to renew a nonimmigrant visa, many individuals will be afraid to access programs for which they or their family members are eligible.

In fact, the impact of the proposed rule changes are already being felt; immigrant families' participation in the Supplemental Nutrition Assistance Program (SNAP) declined by approximately 10% in the first half of 2018[1], following a decade of increased participation in the program. Given that the eligibility rules for the program remained unchanged between 2017 and 2018, researchers believe that the drop in participation is related to changes in national immigration rhetoric and policies.

[1] https://www.apha.org/news-and-media/news-releases/apha-news-releases/2018/annual-meeting-snap-participation

Further, the proposed rule will consider the lack of private health insurance or financial resources to pay for medical costs as a heavily weighed negative factor if an individual has a medical condition that may interfere with their ability to work. Immigration status should not be denied to workers because of employers' refusal or economic inability to provide health insurance or sufficient wages that make health insurance affordable.

Immigrants are essential contributors to American communities and to the American economy, contributing a larger share of economic output than their share of the population. Immigrants pay much more in taxes than they receive in public benefits.[2] The average immigrant is a lifetime net fiscal contributor. The National Academy of Sciences (NAS) recently produced a number of estimates on the direct fiscal effects of immigration, and the average of those estimates indicate that, in net present value terms, a recent immigrant to the United States will contribute $150,000 more in taxes across all levels of government than they will receive in lifetime benefits.

The United States Conference of Mayors sent a letter signed by 93 bipartisan mayors from 29 states and the District of Columbia to DHS Secretary Kirstjen Nielsen calling on her to drop the proposed expansion of the "public charge" rule.[3] The letter states that the proposed rule, would "…ultimately punish immigrants for accessing non-cash benefits designed to help families succeed and thrive in the United States. In our view, this proposal will compromise children's health, nutrition, and development; impact access to health care; reduce housing options; and negatively affect our local economies. It will force families to choose between the help they need and the people they love. Further, by disrupting many people's pathways to citizenship, the proposed rule would also deprive immigrants and cities alike of the well-documented benefits of naturalization on earnings, employment, and homeownership."

Apart from the human consequences, the proposed rule will negatively impact businesses. Experts say that "A U.S. employer is going to find it more difficult and much less predictable to extend the status of a highly skilled worker on an H-1B visa or to help switch a key recruit from a student visa to an H-1B."[4] Further, by DHS's own estimate, its new public charge rule would affect over 500,000 temporary visa applications each year and compliance costs could top $1.3 billion over the next decade.

Moreover, the New American Economy (NAE) analyzed the latest census data to understand precisely which classes of immigrants would be impacted by the new rule. As shown below, the new "public charge" regulation would primarily impact immigrants who are working, often in key industries, many of whom have at least some college education. Collectively, the immigrants potentially impacted by this regulation are already paying tens of billions of dollars in U.S. taxes each year. Should they leave the United States, our economy would suffer negative indirect economic effects of more than $68 billion dollars. The total cost to the U.S. economy could therefore amount to $164.4 billion. [5]

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[2] https://www.cato.org/publications/immigration-research-policy-brief/immigration-welfare-state-immigrant-native-use-rates

[3] https://www.usmayors.org/2018/10/10/nations-mayors-to-dhs-secretary-nielsen-dont-punish-immigrants-with-new-public-charge-rules/

[4] https://www.forbes.com/sites/stuartanderson/2018/10/01/how-will-the-public-charge-rule-harm-employers-and-immigrants/#5e71fe2e4995

[5] https://research.newamericaneconomy.org/report/economic-impact-of-proposed-rule-change-inadmissibility-on-public-charge-grounds/

By encouraging or forcing workers to leave or go underground, the public charge rule change will have a particularly destabilizing effect for several major industries, including According to NAE's analysis:

- Construction, where about 5 percent of all workers (almost 540,000 people) are likely to be affected.
- Natural resource and mining industries, where more than 6 percent of all workers (more than 200,000 people) would be affected.
- Hospitality, recreation, and food services, where about 4.4 percent of all workers (more than 525,000 people) would be affected.
- Professional and business services, where nearly 3 percent of all workers (about 515,000 total) would be affected.
- Manufacturing, where more than 2.6 percent of all workers (more than 450,000 people) would be affected.
- Trade, transportation, and utilities, where more than 2 percent of all workers (more than 650,000 people) would be affected.

Farmworkers and other low-wage immigrant workers will also be disproportionately harmed by this rule. Farmworkers' wages are among the lowest of any occupation and their poverty rates are substantially higher than the national average. Instead of accessing programs that they and their families are already eligible for, farmworkers will be forced to make impossible choices about their health and well-being and will be driven further into the margins of the economy. "The Administration would punish our farmworker families who earn low wages while working long hours in dangerous conditions to produce our food," said Bruce Goldstein, President of Farmworker Justice, a national advocacy organization.

No immigrant should ever have to fear that their choice to secure critical public benefits for their families may lead to their deportation.

We call on the Administration to drop any expansion to the "public charge" rule that will punish immigrants for accessing non-cash benefits that are designed to help families succeed and thrive in the United States, and become contributing members of our communities, as they have for generations.

Sincerely,

Josh Zinner, Interfaith Center on Corporate Responsibility

And representing:

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