

The Honorable Kirstjen Nielsen  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Re: DHS Docket No. USCIS-2010-0012 Comments in Response to Proposed Rulemaking

Dear Secretary Nielsen:

We write today, in response to the regulation, Inadmissibility on Public Charge Grounds (83 FR 51114) posted in the Federal Register on October 10<sup>th</sup>, to express concerns regarding the Department of Homeland Security's proposal to change longstanding policy regarding the meaning and application of the "public charge" provisions of immigration law. If finalized, the regulation would prevent families from being unified in the United States or make it difficult for individuals already working here to renew their status. It would also deter lawfully residing immigrant families, many of which include U.S. citizen children, from seeking the help they need to lead a healthy and productive life.

Expanding which benefits can be considered in a public charge determination will not create American jobs- but instead could harm our economy. The formula created under the rule to identify potential public charges would negatively weigh income below 125% of the poverty threshold, but six of the twenty largest occupational fields in the country have median wages close to or below the poverty threshold for a family of three.<sup>i</sup> This means that lawfully present non-citizens who have jobs within these sectors through an employment visa may not be able to renew that visa.

The calculation of income and family size in this rule overlooks how much an immigrant is supporting themselves and their family. According to the Cato Institute, this rule could ban a family of four making 175 percent of the poverty line, but which received \$2.50 per day per person in government aid, even though this family is only receiving 8.6 percent of their income from the government and is 91.4 percent self- sufficient.<sup>ii</sup> Many of the other "negatively weighted factors" in this rule, such as family size or being under the age of 18, are also misaligned with efforts to grow our economy.

One in four children in the United States have at least one foreign-born parent, and children of immigrants make up 31 percent of all children in families that receive the relevant benefits outlined in this rule. Over 9 million of these children are U.S. citizens.<sup>iii</sup> These children live and grow up in communities where their individual success is critical to the strength of the country's future workforce and economic security.

Our immigration laws and rules should be designed to attract and welcome those who are willing and able to contribute to our country, but this proposal will make it more difficult for the spouses and children of U.S. citizens to obtain green cards. We ask that you withdraw this rule.

Sincerely,

Rep. Carlos Curbelo (FL-26)  
Rep. Darren Soto (FL-9)

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<sup>i</sup> David Bier, “New Rule to Deny Status to Immigrants Up to 95% Self-Sufficient,” Cato Institute, September 24, 2018, <https://www.cato.org/blog/new-rule-deny-status-immigrants-95-self-sufficient>.

<sup>ii</sup> Ibid.

<sup>iii</sup> Samantha Artiga and Anthony Damico, “Nearly 20 Million Children Live in Immigrant Families that Could be Affected by Evolving Immigration Policies,” Kaiser Family Foundation, April 18, 2018, <https://www.kff.org/disparities-policy/issue-brief/nearly-20-million-children-live-in-immigrant-families-that-could-be-affected-by-evolving-immigration-policies/>.