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Submitted via Regulations.gov

December 10, 2018

Samantha Deshombres, Chief  
Regulatory Coordination Division  
Office of Policy and Strategy, U.S. Citizenship and Immigration Services  
United States Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, DC 20529-2140

**Re: Notice of Proposed Rulemaking: Inadmissibility on Public Charge Grounds**

**DHS Docket No: USCIS-2010-0012**

Dear Chief Deshombres:

I am writing on behalf of Citizens' Housing and Planning Association (CHAPA) in response to The United States Department of Homeland Security (DHS) notice of proposed rulemaking, Docket Number USCIS-2010-0012. The proposed rulemaking "proposes to prescribe how DHS determines whether an alien is inadmissible to the United States under section 212 (a) (4) of the Immigration and Nationality Act (INA) because he or she is likely at any time to become a public charge."<sup>1</sup> We oppose the proposed rule change and urge DHS to withdraw the proposal in its entirety.

CHAPA is a Massachusetts non-profit organization that advocates for affordable housing and equitable community development. Our mission is to encourage the production and preservation of housing that is affordable to low and moderate income households and to foster diverse and sustainable communities.

Our mission is informed by history. Over fifty years ago, CHAPA was founded as an outgrowth of the civil rights movement. We were witness to the causes and effects of exclusionary housing policies that segregate our communities. As a nation, we have yet to overcome the effects of these policies. Through this lens, our work is driven by the belief that access to housing is core to providing access to broader opportunity for all and is the pivotal driver of individual and community success.

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<sup>1</sup> Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 196, 51114 (Oct. 10, 2018).

The proposed change to the public charge rule undermines our mission and is a dramatic shift from decades of immigration policy. While federal law has always required those seeking green cards to prove they will not be a burden and has taken into consideration the acceptance of cash benefits, the government has never before considered the use of other public benefits, like assistance for housing and food.<sup>2</sup> This proposed rule change is illustrative of a government that has failed to build on the strength of our values. Moreover, it harks back to some of most regrettable government actions in American history and depicts a nation that is hateful and scared.

For example, in the early 1850s in Massachusetts, the “American” political party, also referred to as the Know-Nothings, swept the state elections on an anti-immigrant platform. The newly elected Governor, Henry J. Gardner, pointed to the Irish Catholic influx as the chief problem facing the Commonwealth. He vowed, in the name of the native workingman and the native taxpayer, to lead a crusade to “Americanize America.”<sup>3</sup> Gardner advocated for policies that would prohibit naturalized citizens from public office and impose strict literacy tests and a lengthy residency requirement before new citizens could exercise their right to vote.<sup>4</sup> The Know-Nothing controlled legislature worked with the Governor to pass their own version of a “public charge” law, leading to the forcible collection and deportation of more than 1,300 Irish paupers in the state almshouses and institutions.<sup>5</sup>

We urge DHS to operate in the context of our history and the nation’s treatment of immigrants. In requesting DHS to withdraw this proposed rulemaking, we are hopeful that American values that have built our nation of immigrants will overcome the politics of fear.

There are also practical reasons for rejecting this proposed rule change.

The proposed rule directly affects immigrants and their families applying for and receiving public housing and Section 8 rental assistance. The proposed rule will make it more likely for certain immigrants to be deemed a public charge because they have received, currently receive, or could receive these types of housing assistance. Denying immigrants entry to the United States, dissuading immigrant households currently living here from applying for housing assistance, or dissuading individuals and families from immigrating to America in the first place will hurt our economy, exacerbate the housing crisis, and put millions of families at risk of homelessness.

Immigrant labor is a crucial component to America’s growing economy and studies have shown that immigrants and their families provide a long-term fiscal net positive.<sup>6</sup> There are more than 27 million foreign-born workers in the United States labor market, which

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<sup>2</sup> Michael D. Shear & Emily Baumgaertner, *U.S. Plans to Restrict New Green Cards for Those on Public Aid*, N.Y. Times, Sept. 23, 2018, at 27.

<sup>3</sup> Jack Beatty, *The Rascal King: The Life and Times of James Michael Curley (1874-1958)* 27 (1992).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Panel on Econ. & Fiscal Consequences of Immigration, *The Economic and Fiscal Consequences of Immigration* (Francine D. Blau & Christopher Mackie, eds., 2017).

is about 17% of the total workforce.<sup>7</sup> Immigrants build our homes (28% of construction trade workers) and put food on our tables (more than 70% of agricultural workers).<sup>8</sup> If the public charge rule is implemented, the chilling effect on immigration will result in a sharp decrease in available workers to fill these roles, costing the U.S. economy billions of dollars each year.<sup>9</sup>

Moreover, low-income immigrants who fuel certain labor markets in high rent areas must rely on stable housing in order to maintain their employment. The proposed rule would increase housing instability by limiting affordable options for low-income immigrant households. In doing so, the rule departs from longstanding immigration policy where use of critical, life-sustaining programs was not counted against immigrant households.

For immigrant households already living in the United States, the proposed rule would create a chilling effect because eligible households will fear the consequences of accessing vital benefits. Charles Wheeler, a legal expert at the Catholic Legal Immigration Network asserted that “the complex web of technicalities surrounding the new rule are difficult to understand...so the number of immigrants who withdraw from programs could exceed even the number who are subject to the rule.”<sup>10</sup>

The impact on children will be worse. This includes U.S. citizen children born in this county who are part of a household that foregoes benefits and participation in programs, despite eligibility. In many instances, in our conversations with caseworkers and policymakers, the mere publishing of this proposed rule has dissuaded households from seeking housing assistance or other public benefits.

DHS acknowledges the anticipated widespread chilling effect. The proposed rule includes a “Cost-Benefit Analysis” and DHS frames the chilling effect as a positive attribute.<sup>11</sup> This framing is incorrect. As more households avoid housing benefits and other benefits enumerated in the rule, low and moderate income households will fall homeless or live in extreme housing insecurity. Numerous studies have shown that unstable housing situations can cause individuals to experience increased hospital visits, loss of employment, and mental health problems.<sup>12</sup> Safe and stable housing is crucial to good health, stable employment, and overall self-sufficiency. Moreover, investments in

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<sup>7</sup> U.S. Dept. Labor, Bureau of Labor Statistics, USDL-18-0786, Foreign-Born Workers: Labor Force Characteristics-2017 (2018).

<sup>8</sup> See National Association of Home Builders, *Immigrant Workers in the Construction Labor Force* (Feb. 2, 2015); see also American Farm Bureau Federation, *Economic Impact of Immigration* (Feb. 2014).

<sup>9</sup> *Id.*

<sup>10</sup> See Supra note 2

<sup>11</sup> See Supra note 1 at 51266.

<sup>12</sup> See Will Fischer, *Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children*, Center on Budget and Policy Priorities (October 7, 2015); see also Linda Giannarelli et al., *Reducing Child Poverty in the US: Costs and Impacts of Policies Proposed by the Children’s Defense Fund* (Jan 2015).

housing stability save taxpayer dollars and are a more efficient and productive use of funds.<sup>13</sup>

There is an additional cost to the taxpayer through the administrative burden imposed on state and local governments as well as public housing authorities, property managers, and housing assistance counselors. DHS writes, “Moreover, there may be additional unquantified costs that state and local government may incur...at each level of government, it will also be necessary to prepare training materials and retrain staff. Such changes will require staff time and have associated costs.”<sup>14</sup> This is further evidence that this is a shortsighted rule with rippling consequences across governments and agencies.

For these reasons, we urge DHS to immediately withdraw the proposed rule. If we want strong, productive, and safe communities, everyone must have the opportunity to seek shelter, care, and services needed to participate in American society. Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me to provide further information.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Heller".

Rachel Heller  
Chief Executive Officer

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<sup>13</sup> See *RAFT In Review: Annual Overview and Analysis of Metro Housing Boston's FY2017 Residential Assistance for Families in Transition Program*, Metro Housing Boston (December 2017) <http://www.metrohousingboston.org/wp-content/uploads/2017/12/RAFT-2017-Metro-Housing-FINAL-12-11-17.pdf>.

<sup>14</sup> See *Supra* note 1 at 51270.