



MASSACHUSETTS COALITION FOR THE HOMELESS

Committed to ensuring that everyone has a place to call home.

December 10, 2018

Samantha Deshommès
Chief, Regulatory Coordination Division
Office of Policy and Strategy
United States Citizenship and Immigration Services
United States Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140
Submitted electronically via <https://www.regulations.gov/comment?D=USCIS-2010-0012-0001>

Re: Public Comments on Proposed Inadmissibility on Public Charge Grounds, DHS Docket No. USCIS-2010-0012

Dear Chief Deshommès:

On behalf of the Massachusetts Coalition for the Homeless (the Coalition), I am writing to express our strong opposition to the proposed changes outlined in the U.S. Citizenship and Immigration Services (USCIS) Proposed Rule: Inadmissibility on Public Charge Grounds, Department of Homeland Security (DHS) Docket No. USCIS-2010-0012. **We join with hundreds of thousands of immigrants, immigrant advocates, and concerned community members to call on USCIS to withdraw this misguided and harmful proposed rule, fully and immediately.**

The Coalition is a statewide public policy and direct service organization committed to ensuring that everyone in Massachusetts has a place to call home. Since our founding in 1981, the Coalition has been a leader in the work to prevent and end homelessness in the Commonwealth. Through public policy advocacy, community-based homelessness prevention programs, education and training initiatives, and programs to provide furniture, clothing, and other material goods, we partner with and serve many immigrant households: families with children, unaccompanied minors, and adults.

In reviewing DHS Docket No. USCIS-2010-0012 and the standards that would be applied in determining whether or not an individual “is likely at any time to use or receive one or more public benefits”, we are extremely concerned by the anticipated devastating impacts on immigrant and mixed immigration status households, and on the communities in which they live, learn, and work. If implemented, the proposed changes to the public charge rule would increase rates of homelessness, housing instability, poverty, and hunger, while also costing the U.S. economy an estimated \$164 billion per year, according to figures from Protecting Immigrant Families.

In our work, we often see the disproportionate impact of negative public policy decisions on immigrant households, especially immigrants of color, immigrant children, immigrant elders, LGBTQ immigrants, and immigrants with disabilities. This proposed rule on inadmissibility on public charge grounds would do the same by intentionally compounding the existing challenges faced by various subpopulations of immigrants.

As outlined in the proposed rule, USCIS would impose new discriminatory standards for obtaining non-immigrant visas and permanent residency status (“green cards”). The changes unfairly would target

immigrant households with incomes at or below 125% of the federal poverty guidelines, elders, children, persons with disabilities, individuals with limited English language proficiency, and individuals with limited formal education, leaving these households vulnerable to being labeled as potential public charges.

Current investments in vital supports such as the Housing Choice Voucher Program (Section 8), federal public housing, Supplemental Nutrition Assistance Program (SNAP), and Medicaid/MassHealth have strengthened individuals, families, and communities. By including such programs in the determination of public charge, the direct impact of the proposed rule and the related chilling effect on immigrants accessing needed benefits (and benefits for which they are eligible) would be toxic and far-reaching. In Massachusetts alone, there are an estimated 500,000 children and adults who would be “chilled” from seeking needed benefits if the proposed rule is implemented, according to a November 2018 analysis from the Massachusetts Budget and Policy Center.

At a time when unprecedented numbers of both immigrant and non-immigrant households are struggling to maintain housing stability, the proposed changes to the public charge rule would undermine cross-sector state and local efforts to prevent and end homelessness among families and individuals.

Massachusetts is one of the least affordable states in terms of housing costs. According to the 2018 *Out of Reach* report from the National Low Income Housing Coalition, Massachusetts ranks as the 6th least affordable state for renters, out of the 50 states plus the District of Columbia and Puerto Rico. The Out of Reach data show that a renter would need to earn \$28.64/hour in order to afford a two-bedroom apartment at the statewide average fair market rent of \$1,489/month while also paying for other basic needs. Such a wage is unrealistically high for far too many immigrant households. For a worker earning the state’s \$11/hour minimum wage, only apartments at or below \$572/month would be affordable—with such housing extremely limited and primarily concentrated in federally subsidized programs that now would be considered as part of the public charge determination process for immigrant households.

Without having subsidized housing as a viable option, we would expect to see more immigrant households accessing the emergency shelter system. In Massachusetts, state-funded shelters for families with children and for unaccompanied adults already are beyond capacity, with some families staying in overflow space in motels and some unaccompanied adults sleeping in cots and on floors in adult shelters.

Recent studies published in *Pediatrics* and the *American Journal of Public Health* showed high rates of emergency department utilization at two Boston hospitals by families experiencing homelessness that either are categorically ineligible for state-funded shelter or just are not eligible yet due to the complex and Draconian shelter eligibility requirements. We anticipate that the proposed public charge rule would lead even more families to seek shelter in emergency departments in Boston and beyond, if they feel forced to abandon existing public or subsidized housing. Families that abandon existing subsidized housing may be subject to a three-year bar on entering the state’s Emergency Assistance family shelter program, and families that reject an offer of housing may be subject to a one-year bar, thus increasing the likelihood that such families will seek shelter in hospitals and other places not meant for human habitation.

If implemented, we also anticipate the proposed public charge rule would increase family separation. In our efforts to address and end youth homelessness in Massachusetts, we have worked alongside many young people who are unable to stay with their parents or guardians and thus are experiencing homelessness out on their own due to immigration enforcement, inadequate family housing, and/or insufficient family resources. The proposed rule would leave more immigrant families unable to adequately provide for all of their household members, leaving older youth particularly vulnerable.

We also are distressed by the arbitrary nature of potential application of public charge, as the proposed rule would allow DHS to anticipate an immigrant’s future use of public benefits and make life-changing

decisions for that individuals and families based on that potentially flawed prediction and decidedly flawed premise.

It is noteworthy that the deadline for public comment coincides with International Human Rights Day. **We reiterate our call on USCIS and the Trump Administration to withdraw the proposed rule and we ask you to take concrete steps to uphold the human rights and dignity of immigrant households.**

Thank you for this opportunity to provide feedback. We support and echo the comments submitted to you by many of our key partners, such as the Massachusetts Law Reform Institute and the Massachusetts Immigrant and Refugee Advocacy Coalition. We hope that you will determine that the harm and fear that would be caused by implementing such policy changes far outweigh any benefits perceived by the Administration.

With hope,

A handwritten signature in cursive script that reads "Kelly Turley".

Kelly Turley, MSW/MA
Associate Director
Massachusetts Coalition for the Homeless
73 Buffum Street
Lynn, MA 01902
kelly@mahomeless.org