

Congress of the United States
Washington, DC 20515

December 10, 2018

Samantha Deshommes
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: DHS Docket No. USCIS-2010-0012

To Relevant Parties:

We write to express our objection to the proposed rule to expand the definition of “public charge” under U.S. immigration law. The proposed rule would lead to worse health outcomes, increased housing instability, and reduced productivity and educational achievement throughout our communities. This would have negative, lasting effects in Colorado on both immigrants and non-immigrants alike.

Nearly two dozen Colorado public health, hunger, and child advocacy organizations oppose this proposed rule, including the Center for Health Progress, Colorado Center on Law and Policy, the Colorado Children’s Campaign, and Hunger Free Colorado. We join them in urging the Department of Homeland Security (DHS) to reject the proposal to include Children’s Health Insurance Program (CHIP) among the list of included benefits and rescind the proposed rule in its entirety.

Under current federal immigration law, the government may deny lawful permanent resident status to individuals determined likely to become primarily dependent on government-funded cash assistance or long-term care. DHS proposes to make permanent residence unavailable to individuals determined likely to use an expanded list of benefits, including non-cash assistance programs like Medicaid, food stamps (SNAP), federal housing assistance, and Medicare Part D subsidies. DHS also asks for comment on adding CHIP to the list of public benefits. Finally, DHS proposes several “negative factors” potentially penalizing applicants for being under 18 or over 65, having a serious health condition, being unemployed at the time of application, or earning a low-income.

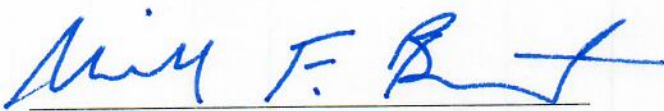
These changes would fundamentally undermine the legislative intent of the “public charge” requirement, adding significant burdens to visa applicants and disproportionately affecting people of color. In addition, expanding the list of federal benefits under the “public charge” definition could force immigrants to forgo critical food, housing, and health assistance for their families out of fear it might jeopardize their immigration status. According to the Colorado Fiscal Institute, the rule could have a chilling effect on more than 323,000 Coloradans, including 143,000 children, who rely on such programs. In addition, the Colorado Health Institute

estimates 75,000 Coloradans, nearly two-thirds of whom would be children, could lose health insurance under this proposed rule.¹ Children without access to adequate nutrition, shelter, and health care are less likely to succeed in our schools and communities, having a negative effect on our state as a whole. According to one estimate, if the proposed rule goes into effect, Colorado could see a loss in \$417 million in economic activity and over 2,800 fewer jobs.²

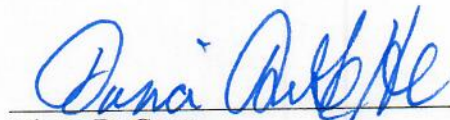
With such far-reaching implications for children and families across Colorado and our nation, we strongly oppose this proposed rule and urge DHS to withdraw the proposal.

Thank you for your attention to this important matter.

Sincerely,



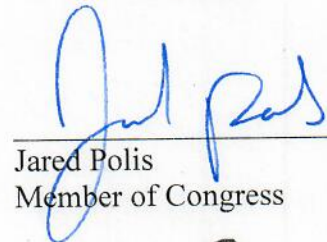
Michael F. Bennet
United States Senator



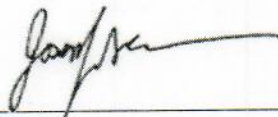
Diana DeGette
Member of Congress



Ed Perlmutter
Member of Congress



Jared Polis
Member of Congress



Joe Neguse
Member-elect of Congress



Jason Crow
Member-elect of Congress

¹ "Changing the 'Public Charge' and Health Insurance in Colorado," Colorado Health Institute (Oct. 5, 2018), available at <https://www.coloradohealthinstitute.org/research/changing-public-charge-and-health-insurance-colorado>.

² Kathy White, "Only Wealthy Immigrants Need Apply: How the Trump Rule Will Harm Colorado," Colorado Fiscal Institute (Oct. 12, 2018).