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September 25, 2018

The Honorable Kirstjen M. Nielsen  
Secretary  
Department of Homeland Security  
300 7<sup>th</sup> Street, SW  
Washington, DC 20528

Dear Secretary Nielsen,

We write to urge you to desist from moving forward with plans to publish a rule that would drastically expand the definition of public charge when determining whether immigrants can adjust their status or remain in the country. Existing law and regulations permit an alien to be deemed a public charge if they are likely to become primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense. However, the proposed rule that you authorized on September 21, 2018 would expand this list of government programs to include Medicaid, the Supplemental Nutrition Assistance Program, Section 8 housing benefits, Medicare Part D subsidies, and numerous other forms of government assistance. Such a change would wrongfully force immigrants to give up essential services and would have a disproportionate impact on immigrants from the developing world. This is yet another attempt by this administration to distract Americans from the onerous policies that are really undermining economic mobility for a large majority of the country in the midst of an election year.

While it has not always lived up to its ideals, the United States strives to reward people based upon the merit of their actions, rather than the circumstances of their birth. However, needlessly expanding the list of public assistance programs subjected to public charge analysis unfairly discriminates against immigrants from Africa, Asia, and South America by discouraging immigrants from these countries from receiving any public assistance. This would leave such immigrants with fewer resources at the outset of their experiences and make it harder for them to achieve the American dream. As a result, this proposed rule would make America less diverse and run afoul of our founding principles.

It is also impossible to divorce these efforts from the administration's ongoing attack against immigrants of color. Over the past 20 months President Trump has banned immigrants from Muslim-majority countries from entering the United States, terminated Temporary Protected Status for hundreds of thousands of

immigrants from Sudan, Nicaragua, Nepal, Haiti, El Salvador, and Honduras, eliminated the Deferred Action for Childhood Arrivals (DACA) program, attacked the Diversity Visa Lottery Program, severely curtailed the number of refugees admitted into the United States, and issued far fewer visas than previous administrations. These actions send a clear message of hostility toward immigrants across the nation and convey to the rest of the world that America is no longer committed to serving as a beacon of freedom and tolerance. The immediate impact of these destructive and exclusionary policies is staggering; the number of green cards issued to new arrivals from Africa alone declined by nearly 30 percent between the first quarter of 2017 and the first quarter of 2018. For these reasons, we strongly urge you to reverse course on the latest iteration of anti-immigrant policy and halt plans to move forward with this imprudent proposal.

Sincerely,



Cedric L. Richmond  
Chair, Congressional Black Caucus



Yvette D. Clarke  
Chair, CBC Immigration Working Group