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The Honorable Kirstjen Nielsen
Secretary of Homeland Security
Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

Re: Proposed Inadmissibility on Public Charge Grounds Rule (Docket No. USCIS-2010-0012)

Dear Secretary Nielsen:

I write to express my strong opposition to the Inadmissibility on Public Charge Grounds Rule proposed by the Department of Homeland Security (DHS), which would make dramatic changes to current policy for determining whether a person is or may be likely to become a "public charge" and therefore must be ineligible for adjustment of immigration status or admission to the United States. Immigrants play a vital role in sustaining the economy, culture, and civic life of the Commonwealth of Massachusetts. The public charge rule that DHS has proposed will put all of these contributions at risk by creating powerful disincentives for immigrants to make use of government programs that are intended to help all persons lawfully present in our country achieve economic self-sufficiency and well-being.

Today, six Massachusetts State agencies have submitted comments detailing the significant harm DHS's proposed rule would pose to more than 500,000 Massachusetts residents who are lawfully present immigrants. By dramatically expanding consideration of an immigrant's use of public supports and making even modest reliance on those supports a strong negative factor in the public charge determination, the rule will lead lawfully present immigrants to disenroll from programs that support health, nutrition, and housing stability for low income families. Experience shows that many immigrants legally entitled to these supports will likely decline to participate even if they do not fall within the scope of the proposed rule, partly out of confusion and partly out of fear that the immigration consequences of receiving these benefits simply cannot be known.



These individual immigrants and their families will be directly harmed by the proposed rule, but ultimately the negative effects will be felt by the State as a whole as our health care, housing, and social services systems become overburdened as a result of the rule's second-order effects.

A less obvious but equally concerning aspect of the proposed rule is the degree of complexity, discretion, and unpredictability it introduces to any individual public charge determination. The rule does not, for instance, require that a determination that an immigrant is likely to become a public charge in the future rest on an immigrant's actual receipt of any of the public benefits that are newly countable. This conclusion may instead be based simply on a DHS officer's prediction that an individual may use these benefits in small amounts in the future, or more broadly, on a prediction that an individual's age, health status, family size, employment history, or English language skills make it likely that the individual may become a public charge in the future. This approach creates unacceptable uncertainty for immigrants who are legally present and following our immigration rules and risks arbitrary decision making by DHS. The approach also fails to recognize what we know here in the Commonwealth: that many of the most productive members of our community arrived in this country with little but their determination to succeed.

Finally, it is troubling that DHS has proposed a rule that under its own analysis and in its own words may well produce the following effects among immigrants who are lawfully present in our country: "worse health outcomes," "increased use of emergency rooms and emergent care," "increased prevalence of communicable diseases," "increased rates of poverty and housing instability," and "reduced productivity and educational attainment."¹

A fuller account of the negative consequences of the proposed rule is provided by the six Massachusetts agencies that have submitted detailed comments to your office today. Those consequences include

- fewer children, adults, and families receiving health care coverage
- long-term harm to the public health of all Massachusetts residents as a result of declines in preventive care, such as vaccinations and treatment of infectious disease
- increased reliance on hospital emergency rooms for medical treatment by immigrant residents
- increased cost of uncompensated care for hospitals, community health centers, and other health care providers
- increased homelessness and family separation among immigrant families, including those with citizen family members
- increased food insecurity for immigrant families, including those with citizen family members
- increased health insurance premiums for all Massachusetts consumers

¹ See 83 Fed. Reg. 51,270 (October 10, 2018).

- unfunded mandates for Massachusetts, which will be required to provide safety net services as an alternative to the programs targeted by the new rule entirely at State expense rather than through cost-sharing with the Federal government
- a real risk that our immigrant population may begin to view all of government with distrust as a consequence of what will inevitably be received as punitive and highly discretionary eligibility determinations made under the new rule.

The DHS public charge rule as proposed would undermine the health and well being of the Massachusetts immigrant community, burden State resources, and negatively affect all residents of the Commonwealth of Massachusetts. I therefore urge DHS to rescind the proposed rule in its entirety.

Sincerely,


Marylou Sudders