

Congress of the United States
House of Representatives
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Re: DHS Docket No. USCIS-2010-0012, Inadmissibility on Public Charge Grounds

As a member of the U.S. House of Representatives Committee on the Judiciary, I submit these comments regarding DHS Docket No. USCIS-2010-0012, pertaining to inadmissibility on public charge grounds.

Congress has long-established that individuals immigrating to the United States should benefit our nation and should be entirely self-sufficient. It is, after all, the American spirit, personal responsibility, and determination that has allowed our nation to prosper and to become the greatest on earth. While the United States is a nation of compassion that has historically offered a hand up to citizens in need, we should not allow access to taxpayer-funded public assistance to be an incentive to immigrate to the United States.

Federal immigration law enshrines these ideals in 8 U.S.C. § 1601, which states:

- (1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statuses.
- (2) It continues to be the immigration policy of the United States that –
 - (A) aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and
 - (B) the availability of public benefits not constitute an incentive for immigration to the United States.

8 U.S.C. § 1182(a)(4) takes this a step further by deeming immigrants who are likely to become a public charge ineligible for admittance. However, in circumvention of federal law, unelected bureaucrats have allowed thousands of non-citizens to access taxpayer-funded resources, on both their own behalf and on behalf of their U.S.-born children. One cannot possibly argue that a non-citizen accessing Medicaid, housing assistance, or money through the Supplemental Nutrition Assistance Program is self-sufficient, or not a public charge. It is also difficult to argue that a non-citizen using taxpayer-funded resources to supplement living in the United States provides a benefit to the American economy.

It is obvious that the current system for vetting admittance to the United States is not in alignment with Congress' intent. Immigrants should have no expectation that American government resources will be their safety net. Nor should individuals using government benefits be considered self-sufficient when applying for a renewal or adjustment of status.

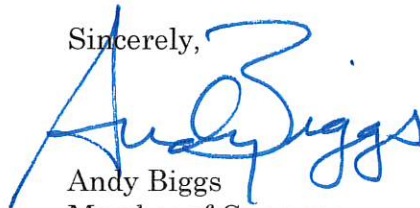
I am pleased U.S. Citizenship and Immigration Services (USCIS) has taken steps to ensure consideration of visa applications and adjustments of status are in line with 8 U.S.C. § 1182(a)(4). However, more can be done to ensure American taxpayer dollars are not used to subsidize the lives of non-citizens.

Under USCIS's proposed rule, immigrants will be allowed to receive monetizable benefits of up to 15 percent of the federal poverty guidelines and non-monetizable benefits for up to 12 months within a 36-month period without being considered a public charge. While narrower than the current system, it is still impossible to argue that individuals receiving these benefits are self-sufficient. Any use of a public benefit is a strong indicator of an individual's inability to be fully self-sufficient.

The rule also excludes many taxpayer-funded benefits from counting as a public charge. 8 U.S.C. § 1182(a)(4) does not outline specific benefits for inclusion or exclude specific benefits from consideration. Why, then, should use of any be allowed under the new rule? It is highly likely that individuals using the benefits outlined in the proposed rule are also using additional benefits that are not included in the rule. USCIS should reconsider whether immigrants wishing to reside in the United States will have the ability to support themselves, and any subsequently born children, without using benefits like Women, Infants, and Children nutrition program, the National School Lunch Program, Medicaid, the Children's Health Insurance Program, or subsidies under the Affordable Care Act. Non-citizens should also be unable to benefit from the Earned Income Tax Credit or the Additional Child Tax Credit.

The United States debt has exceeded \$21 trillion and only continues to grow. American taxpayers should not bear the burden of providing financial assistance to non-citizens. Pursuing policy changes to prevent future welfare use by non-citizens is a worthy undertaking. I fully support the rule proposed by USCIS, but simultaneously encourage the agency to consider strengthening the rule to include any use of public assistance, no matter the program or the timeframe.

Sincerely,



Andy Biggs
Member of Congress