



December 7, 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  
*Via Federal e-Rulemaking Portal*

**RE: Comment on Notice of Proposed Rulemaking on Inadmissibility on Public Charge Grounds (Docket ID: USCIS-2010-0012)**

Dear Ms. Deshommes:

Kids in Need of Defense (KIND) appreciates the opportunity to comment on the Notice of Proposed Rulemaking “Inadmissibility on Public Charge Grounds” (“Proposed Rule”), issued by U.S. Citizenship and Immigration Services (USCIS) on October 10, 2018 (83 FR 51114). The Proposed Rule would expand the scope of the public charge rule by adding new public benefits programs and worsen an existing chilling effect that is currently limiting access to public benefits by vulnerable children and families in need. KIND urges USCIS to withdraw the Proposed Rule, which would destabilize immigrant families and have a significant and detrimental impact on the health and well-being of child survivors of violence, trauma, and abuse.

KIND is a national nonprofit organization dedicated to providing free legal representation and protection to unaccompanied immigrant and refugee children in removal proceedings. Since January 2009, KIND has received referrals for more than 16,800 children from 70 countries, and has trained more than 30,000 attorneys to represent such children. KIND has field offices in ten cities: Los Angeles, San Francisco, Atlanta, Baltimore, Boston, Houston, Newark, New York City, Seattle, and Washington, DC. Legal services professionals who serve children through KIND provide defense in removal proceedings, and pursue immigration benefits and relief for which their clients may be eligible.

As minors who have fled violence, abandonment, and unsafe situations, unaccompanied children served by KIND arrive in the U.S. with very limited resources and face enormous challenges: healing from a history of trauma, overcoming language and educational barriers, and preparing their legal cases, among others. Social service and public benefits programs are of critical importance in ensuring these children have the support they need as they begin to process

and heal from harrowing violence, trauma, and abuse, and to navigate a new country and community.

**KIND offers the following comments to highlight the potential consequences of the proposed rule for children and to urge USCIS to withdraw the Proposed Rule.**

The Proposed Rule, if finalized, would cover only individuals applying for admission to the United States, changes in visa status, or an adjustment of status to that of lawful permanent resident.<sup>1</sup> Although it would specifically exempt vulnerable populations such as asylees and victims of trafficking,<sup>2</sup> the Proposed Rule’s impact extends far beyond its target population. It should be withdrawn because (I) its chilling effect has led parents and children to disenroll from and forego use of critical public benefit programs, even if they do not fall into one of the covered populations. In addition to undermining the health and well-being of children and families, this foreseeable result runs contrary to the intent of Congress to afford protection and access to benefits to particularly vulnerable populations by exempting them from public charge considerations. If, however, a final rule is issued, (II) enrollment in CHIP should not be factored into public charge determinations.

**I. The Proposed Rule must be withdrawn because it has already created a chilling effect that is wrongly depriving children of the benefits they need, and if finalized, the effect would likely get worse.**

Restricting access to public benefits often creates a “chilling effect” that deters people from enrolling in programs, despite their eligibility. Immigrants who are eligible to receive benefits may abstain from applying for or using them for a variety of reasons, including confusion and fear of potential implications for their or their family members’ immigration cases. As a result, many vulnerable populations may be unnecessarily harmed by missing out on public benefits programs that play a critical role in their lives, including programs that address the acute needs of victims of trafficking and severe crimes, refugees, and asylees.

For example, public benefits programs help unaccompanied children seeking asylum and other humanitarian protection to heal from violence, trauma, abuse, and neglect, and to develop the trust needed to share sensitive information in support of their legal cases. In addition to addressing the immediate medical and mental health needs of children, public benefits may also provide nutritional, housing, and financial assistance to foster more stable and secure living environments for children following their release from federal immigration custody. If a parent or child withdraws from benefits, less support will be available for the family, which will be required to divert limited funds from critical necessities to basic needs that were previously provided for by public benefits programs. The resulting strain on families and their resources

---

<sup>1</sup> Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 51114, 51134 (proposed Oct. 10, 2018) (to be codified at 8 C.F.R. pts. 103, 212, 213, 214, 245, 248) [hereinafter *Public Charge*].

<sup>2</sup> 8 U.S.C. §§ 1157(c)(3), 1159(c) (2012) (exempting refugees); 8 U.S.C. § 1255(h) (2012) (exempting special immigrant juveniles); 8 U.S.C. § 1182(d)(13)(A) (2012) (exempting trafficking victims); 8 U.S.C. § 1182(a)(4)(E)(ii) (2012) (exempting domestic violence victims).

poses significant developmental, psychological, and health consequences for children,<sup>3</sup> and threatens to compound the trauma experienced by child survivors of violence, abuse, and neglect.

The chilling effects of the Proposed Rule are already visible. Many children and families are unnecessarily foregoing critical benefits they need to survive. If finalized, this rule would lead even more families to pull out of programs for which they are eligible, setting the stage for a repeat of the significant chilling effect that followed welfare reform in the 1990s. Instead of allowing the Proposed Rule to harm more vulnerable children, the Administration should be withdraw it.

**A. Confusion about the Proposed Rule and mistrust of the Administration have already deterred immigrant families from applying for and using public benefits their children need.**

At a recent conference hosted by the Migration Policy Institute (MPI), USCIS Director Francis Cissna said that “people should look carefully at the Proposed Rule to see exactly, truly what we’re looking at” when they decide whether to withdraw from or obtain public benefits.<sup>4</sup>

That is easier said than done. The Proposed Rule is nearly 450 pages long, with numerous exemptions and stipulations.<sup>5</sup> The average person is unlikely to have the time or the capacity to read and understand the Proposed Rule. Limited language access and other barriers create additional hurdles for recent immigrants. Moreover, most mixed-status households are unlikely to have a lawyer or advocate who can counsel them on how or whether the Proposed Rule affects each family member’s eligibility for benefits.

A previous version of the Proposed Rule leaked to the media in March and shared among immigrant communities has only added to the confusion.<sup>6</sup> For example, the leaked version would have considered the use of programs that are not covered by the Proposed Rule, such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).<sup>7</sup> Additionally, under the leaked version, dependent family members’ public benefits use, including that of U.S. citizen children, would have been a negative factor in an individual’s public charge analysis.<sup>8</sup> Although these provisions were not ultimately included in the Proposed

---

<sup>3</sup> See generally Jack P. Shonkoff, Andrew S. Garner, et. al, *The Lifelong Effects of Early Childhood Adversity and Toxic Stress*, Pediatrics (2012), available at <http://pediatrics.aappublications.org/content/129/1/e232.long>.

<sup>4</sup> C-SPAN, *Frank Cissna Remarks at Annual Immigration Policy Conference* (Oct. 1, 2018), <https://www.c-span.org/video/?452248-3/frank-cissna-remarks-annual-immigration-policy-conference>.

<sup>5</sup> See *Public Charge*, *supra* note 1, at 51156-57.

<sup>6</sup> See Dara Lind, *Exclusive: Trump’s draft plan to punish legal immigrants for sending US-born kids to Head Start*, VOX (Feb. 8, 2018), <https://www.vox.com/2018/2/8/16993172/trump-regulation-immigrants-benefits-public-charge>.

<sup>7</sup> Christina Jewett et al., *Under a Trump Proposal, Lawful Immigrants Might Shun Medical Care*, NPR (May 10, 2018), <https://www.npr.org/sections/health-shots/2018/05/10/609758169/under-a-trump-proposal-lawful-immigrants-might-shun-medical-care>.

<sup>8</sup> See Lind, *supra* note 6.

Rule, confusion about the rule's contents has led parents and children to disenroll from or avoid applying for benefits.<sup>9</sup>

Compounding this confusion is mistrust of the government's immigration policy announcements as a result of prior misleading statements. For example, the Department of Homeland Security's (DHS) Office of Inspector General (OIG) issued a report in September 2018 that found that "parents were provided inconsistent or incorrect information about being separated from their children."<sup>10</sup> The government has also inaccurately represented its policies with respect to immigration enforcement. For example, while ICE and CBP maintain "sensitive locations" policies limiting enforcement actions in areas such as schools, hospitals, and places of worship, the agencies have recently conducted multiple enforcement actions in such places.<sup>11</sup> Misrepresentations like these make it more difficult for immigrant families to trust what they are told about the Administration's other immigration policies, such as the Proposed Rule.

The Trump Administration's aggressive enforcement of immigration laws and new policies targeting immigrants have generated widespread fear in their communities.<sup>12</sup> Many of the Administration's policies are aimed directly at eliminating protections for children. These include efforts to roll back protections for unaccompanied children provided by the Trafficking Victims Protection Reauthorization Act (TVPRA) and *Flores* Settlement Agreement;<sup>13</sup> an information sharing agreement between U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection, and the Office of Refugee Resettlement (ORR) related to the process for vetting prospective sponsors of unaccompanied children and other adults in the sponsors' homes;<sup>14</sup> restrictions on granting special immigrant juvenile (SIJ) status;<sup>15</sup> and new executive actions that would together deny eligibility for asylum to unaccompanied children and

---

<sup>9</sup> See, e.g., Yesenia Amaro and Barbara Anderson, 'We don't know what to do.' Proposed Trump rule strikes new fear in immigrant communities, Fresno Bee, Oct. 9, <https://www.fresnobee.com/news/local/article219129850.html>.

<sup>10</sup> OFFICE OF THE INSPECTOR GEN., DEP'T OF HOMELAND SEC., OIG-18-84, SPECIAL REVIEW - INITIAL OBSERVATIONS REGARDING FAMILY SEPARATION ISSUES UNDER THE ZERO TOLERANCE POLICY 12-14 (2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>.

<sup>11</sup> See Andrea Castillo, "Immigrant Arrested by ICE After Dropping Daughter Off at School, Sending Shockwaves Through Neighborhood," LA Times, March 3, 2017; Gary Klein, "Marin Man Arrested in ICE Bust While Dropping Off Child at School," The Mercury News, March 15, 2018, <https://www.mercurynews.com/2018/03/15/marin-man-arrested-in-ice-bust-while-dropping-off-child-atschool>; Sophie Nieto-Munoz, "Gov. Murphy Races to Sanctuary Church After ICE Detains in N.J.," NJ Advance Media, January 26, 2018, [http://www.nj.com/middlesex/index.ssf/2018/01/hold\\_murphy\\_shows\\_up\\_at\\_church\\_that\\_houses\\_immigra.html](http://www.nj.com/middlesex/index.ssf/2018/01/hold_murphy_shows_up_at_church_that_houses_immigra.html); John Burnett, "Border Patrol Arrests Parents While Infant Son Awaits Serious Operation," National Public Radio, September 20, 2017, <https://www.npr.org/2017/09/20/552339976/border-patrol-arrests-parents-while-infantawaits-serious-operation>.

<sup>12</sup> See Janell Ross et al., *Immigrant community on high alert, fearing Trump's 'deportation force,'* WASH. POST (Feb. 11, 2017), [https://www.washingtonpost.com/national/immigrant-community-on-high-alert-fearing-trumps-deportation-force/2017/02/11/e5c30d06-f06f-11e6-9973-c5efb7ccfb0d\\_story.html?noredirect=on&utm\\_term=.82fe3b0aee8b](https://www.washingtonpost.com/national/immigrant-community-on-high-alert-fearing-trumps-deportation-force/2017/02/11/e5c30d06-f06f-11e6-9973-c5efb7ccfb0d_story.html?noredirect=on&utm_term=.82fe3b0aee8b).

<sup>13</sup> Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children, 83 Fed. Reg. 45486 (proposed Sept. 7, 2018) (to be codified at 8 C.F.R. pts. 212, 236).

<sup>14</sup> Department of Homeland Security (DHS)/U.S. Immigration and Customs Enforcement (ICE)-007 Criminal History and Immigration Verification (CHIVE) System of Records 83 Fed. Reg. 20846 (May 8, 2018) (implementing information sharing Memorandum of Agreement).

<sup>15</sup> See Memorandum on Immigration Principles & Policies, The White House, <https://www.politico.com/f/?id=0000015e-fe3d-dc15-a3fe-ff3d27fb0000>.

others if they arrive to the U.S. outside of a port of entry.<sup>16</sup> The Proposed Rule further contributes to these fears and will lead children and families to avoid interaction with public benefits programs, even when they are necessary to ensure health, nutrition, and economic stability.

The impact of this combination of confusion, mistrust, and fear is exemplified by the decision of Arelii, an undocumented mother in New York City, to withdraw her U.S. citizen daughter from the Supplemental Nutrition Assistance Program (SNAP).<sup>17</sup> Through television and social media, Arelii heard that if anyone in her family obtained public benefits in any form, no one in her household would be able to get a Green Card.<sup>18</sup> She was later told that her daughter's SNAP benefits would not count against her son in a public charge determination. But Arelii was not going to take a chance on the conflicting interpretations, and now her daughter goes without the nutrition she needs.<sup>19</sup>

KIND has heard similar stories. In one case, the sponsor of a 6-year-old client let the child's medicaid coverage lapse for fear that it might prevent him from getting a Green Card in the future. Her son, an asylee who is now eligible for his Green Card, is statutorily exempt from public charge considerations.

These stories illustrate that the Proposed Rule's chilling effect is not speculative; it is already harming children across the country by depriving them of important public benefits. More than 19 million children, or one in four, live with an immigrant parent, and nearly nine in ten of these children are citizens.<sup>20</sup> Children of immigrants represent approximately 31 percent, or 10.5 million, of all children living in families who receive one of the four major public benefits covered by the Proposed Rule.<sup>21</sup> As a result, millions of kids stand to lose vital benefits owing to the chilling effect of the Proposed Rule. Among these are particularly vulnerable children, including asylees, victims of severe trafficking, survivors of abuse and neglect, and others who Congress specifically exempted from public charge considerations in recognition of

---

<sup>16</sup> Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States (Nov. 9, 2018), <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-addressing-mass-migration-southern-border-united-states/>; DHS, DOJ, Aliens Subject to a Bar on Entry under Certain Presidential Proclamations; Procedures for Protection Claims Interim Final Rule (Nov. 9, 2018), <https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-24594.pdf>.

<sup>17</sup> Jonathan Blitzer, *Trump's Public Charge Rule is a One-Two Punch Against Immigrants and Public Assistance*, THE NEW YORKER (Sept. 28, 2018), <https://www.newyorker.com/news/dispatch/trumps-public-charge-rule-is-a-one-two-punch-against-immigrants-and-public-assistance>.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Proposed Changes to "Public Charge" Policies for Immigrants: Implications for Health Coverage*, KAISER FAMILY FOUND. (Sept. 24, 2018), [https://www.kff.org/disparities-policy/fact-sheet/proposed-changes-to-public-charge-policies-for-immigrants-implications-for-health-coverage/#endnote\\_link\\_274689-4](https://www.kff.org/disparities-policy/fact-sheet/proposed-changes-to-public-charge-policies-for-immigrants-implications-for-health-coverage/#endnote_link_274689-4).

<sup>21</sup> These benefits are: Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), and Medicaid/CHIP. JEANNE BATALOVA ET AL., CHILLING EFFECTS: THE EXPECTED PUBLIC CHARGE RULE AND ITS IMPACT ON LEGAL IMMIGRANT FAMILIES' PUBLIC BENEFITS USE, 23 (Migration Policy Institute 2018), <https://www.migrationpolicy.org/research/chilling-effects-expected-public-charge-rule-impact-legal-immigrant-families>.

their heightened need for safety, stability, and assistance as they heal from past experiences and adapt to a new country and community.<sup>22</sup>

**B. The experience of welfare reform in the 1990s suggests that the Proposed Rule’s chilling effect is likely to worsen.**

Welfare reform laws enacted in 1996<sup>23</sup> led to a sharp decline in public benefits participation among immigrants who remained eligible for them, including many children.<sup>24</sup> Director Cissna acknowledged this at a recent MPI conference: “Historically, it is my understanding that back in 1996, when the welfare reform act of 1996 was passed, a lot of people unsubscribed from public benefits, in many cases, I think, perhaps wrongly . . . I think they didn’t have to.”<sup>25</sup> The Proposed Rule itself references decreases in public benefits enrollment—ranging from 21 to 54 percent—among immigrant households as a result of welfare reform.<sup>26</sup> Just like the response to the Proposed Rule, immigrants declined public benefits in the late 1990s because they were confused about what exactly the laws covered and feared that accepting benefits would prevent them from sponsoring family members.<sup>27</sup>

A U.S. Department of Agriculture analysis found that welfare reform’s restrictions on legal immigrants’ ability to receive food stamps “appear[s] to have deterred participation by their children, many of whom retained their eligibility.”<sup>28</sup> Specifically:

- Food stamp usage decreased by 37 percent between October 1996 and September 1997 among U.S. citizen children living with a non-citizen parent, compared to only a 15 percent decrease for children living with parents who were citizens.<sup>29</sup>
- Similarly, among refugee-headed households, food stamp usage dropped from 35 percent to 22 percent between 1994 and 1997, despite refugees’ eligibility remaining largely unchanged.<sup>30</sup>

---

<sup>22</sup> See, e.g., 8 U.S.C. §§ 1157(c)(3), 1159(c) (2012) (exempting refugees); 8 U.S.C. § 1255(h)(2) (2012) (exempting special immigrant juveniles); 8 U.S.C. § 1182(d)(13)(A) (2012) (exempting victims of severe trafficking); 8 U.S.C. § 1182(a)(4)(E)(i) (2012) (exempting VAWA self-petitioners).

<sup>23</sup> Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, 110 Stat. 2105 (1996); Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208, 110 Stat. 3009 (1996).

<sup>24</sup> Batalova et al., *supra* note 21, at 14-15.

<sup>25</sup> C-SPAN, *supra* note 4.

<sup>26</sup> *Public Charge*, *supra* note 1, at 51266.

<sup>27</sup> SAMANTHA ARTIGA ET AL., ESTIMATED IMPACTS OF THE PROPOSED PUBLIC CHARGE RULE ON IMMIGRANTS AND MEDICAID, 3 (Henry J. Kaiser Family Found. Oct. 2018), <http://files.kff.org/attachment/Issue-Brief-Estimated-Impacts-of-the-Proposed-Public-Charge-Rule-on-Immigrants-and-Medicaid>.

<sup>28</sup> U.S. DEP’T OF AGRICULTURE, FOOD & NUTRITION SERV., WHO IS LEAVING THE FOOD STAMP PROGRAM: AN ANALYSIS OF CASELOAD CHANGES FROM 1994 TO 1997 2-3 (1999), <https://fns-prod.azureedge.net/sites/default/files/cdr.pdf>.

<sup>29</sup> *Id.* at 3.

<sup>30</sup> MICHAEL E. FIX & JEFFREY S. PASSEL, TRENDS IN NONCITIZENS’ AND CITIZENS’ USE OF PUBLIC BENEFITS FOLLOWING WELFARE REFORM: 1994-1997 (Urban Institute 1999),

According to an analysis by MPI, even if the Proposed Rule’s impact tracks with lower estimates of welfare reform’s chilling effect, as many as 5.4 million immigrants and their children could withdraw from the major benefit programs covered by the Proposed Rule.<sup>31</sup> As a result, many vulnerable children would be deprived of the nutrition and health benefits they need for no reason other than fear and confusion.

Public education efforts and policy guidance were often unsuccessful in mitigating welfare reform’s chilling effect, according to a case study conducted by the Kaiser Commission on Medicaid and the Uninsured.<sup>32</sup> Many eligible immigrants did not apply for Medicaid benefits, despite guidance issued by the Immigration and Naturalization Service (INS) in 1999 explaining that use of such benefits would not impact a public charge determination.<sup>33</sup> The guidance specifically acknowledged a chilling effect, explaining that confusion about the relationship between obtaining public benefits and public charge determinations “deterred eligible aliens and their families, including U.S. citizen children, from seeking important health and nutrition benefits that they are legally entitled to receive.”<sup>34</sup> Press conferences and other public education efforts did little to assuage these fears.<sup>35</sup> Thus, the chilling effect from public benefits restrictions can be strong enough to overcome even the government’s concerted education efforts.

The experience of welfare reform should serve as a warning about the Proposed Rule’s potential impact on children and families. Rather than ignore this lesson, USCIS should withdraw the Proposed Rule before it harms more vulnerable children.

## **II. Even if the Proposed Rule is finalized, use of the Children’s Health Insurance Program (CHIP) should not be factored into public charge determinations. The program’s inclusion would be a direct attack on vulnerable children.**

The Proposed Rule requests comments from the public on whether CHIP should be included in the final rule.<sup>36</sup> CHIP is a federally funded program that provides low-cost health coverage to children whose families do not qualify for Medicaid, but still need assistance.<sup>37</sup> Congress created CHIP in 1997 to fill a gap in private insurance coverage as many Americans

---

<https://www.urban.org/sites/default/files/publication/69781/408086-Trends-in-Noncitizens-and-Citizens-Use-of-Public-Benefits-Following-Welfare-Reform.pdf>.

<sup>31</sup> Batalova et al., *supra* note 21, at 23.

<sup>32</sup> LEIGHTON KU & ALYSE FREILICH, CARING FOR IMMIGRANTS: HEALTH CARE SAFETY NETS IN LOS ANGELES, NEW YORK, MIAMI AND HOUSTON 7-8 (Kaiser Commission on Medicaid and the Uninsured 2001), <https://aspe.hhs.gov/system/files/pdf/72701/report.pdf>.

<sup>33</sup> *Id.* at 7.

<sup>34</sup> Field Guidance on Deportability and Inadmissibility on Public Charge Grounds, 64 Fed. Reg. 28689, 28692 (Mar. 26, 1999).

<sup>35</sup> Ku & Freilich, *supra* note 32, at 7-8.

<sup>36</sup> *Public Charge*, *supra* note 1, at 51173.

<sup>37</sup> Children’s Health Insurance Program (CHIP), MEDICAID.GOV, <https://www.medicaid.gov/chip/index.html> (last visited Nov. 14, 2018).

had health insurance coverage through their jobs or family members' jobs, but not all children had access to coverage.<sup>38</sup>

Unlike other public assistance programs that are used by adults and children alike, CHIP is specifically designed for children. Kids who qualify for CHIP are unlikely to have any other health insurance options as their parents cannot afford private insurance and their families do not qualify for Medicaid. In contrast to SNAP benefits, which can easily be shared among family members, including those who are not eligible for benefits or decide to drop them, one person's health insurance cannot be shared with someone else. Thus, if CHIP enrollment is included in a public charge analysis, vulnerable kids would be forced to forego health insurance altogether or to accept coverage *and* the negative impact on future immigration status that may accompany it. Thus, including CHIP in a public charge analysis would specifically punish vulnerable kids simply for being the children of poor parents.

The chilling effect of including CHIP in the final rule could harm the health of the more than 14 million enrollees in Medicaid and CHIP, half of whom are U.S. citizen children who live in mixed-status households.<sup>39</sup> A recent report from the Kaiser Family Foundation estimates that a 25 percent decline in Medicaid/CHIP enrollment among citizen children with a non-citizen parent would result in one million children becoming uninsured.<sup>40</sup> This loss of insurance coverage would deprive children in mixed-status households of the short- and long-term benefits of CHIP enrollment. Children covered by CHIP have better school attendance and perform better academically.<sup>41</sup> Additionally, they are more likely to graduate high school, attend college, and have better health and economic outcomes as adults than their counterparts who are uninsured.<sup>42</sup> In contrast, without healthcare coverage, children may be forced to delay or forgo needed preventative care, which may lead to poorer health and increased use of emergency medical services.<sup>43</sup> This result would not only undermine the health and well-being of children and the public at large, but will lead to significant, increased costs.<sup>44</sup>

---

<sup>38</sup> Cindy Mann et al., *Historical Overview of Children's Health Care Coverage*, FUTURE OF CHILDREN, Spring 2003, at 31, 32 (2003).

<sup>39</sup> Press Release, Kaiser Family Foundation, Proposed Changes to 'Public Charge' Policies Could Lead to Declines in Medicaid and CHIP Enrollment as Immigrant Families Face Rising Fear and Uncertainty About Using Public Programs (Oct. 13, 2018), <https://www.kff.org/disparities-policy/press-release/proposed-changes-to-public-charge-policies-could-lead-to-declines-in-medicaid-and-chip-enrollment-as-immigrant-families-face-rising-fear-and-uncertainty-about-using-public-programs/>.

<sup>40</sup> *Id.*

<sup>41</sup> Press Release, American Academy of Pediatrics, AAP Opposes Dangerous Public Charge Proposal (Sept. 23, 2018) <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/AAP-Opposes-Dangerous-Public-Charge-Proposal.aspx>.

<sup>42</sup> *Id.*

<sup>43</sup> See, e.g., Am. College of Obstetricians and Gynecologists, *Drastic Expansion of Public Charge Regulations Compromise Access to Women's Health Care*, Sept. 23, 2018, <https://www.acog.org/About-ACOG/News-Room/Statements/2018/Drastic-Expansion-of-Public-Charge-Regulations-Compromise-Access-to-Womens-Health-Care?IsMobileSet=false>; AAP, *supra* note 41.

<sup>44</sup> See, e.g., Center on Budget and Policy Priorities, *Trump "Public Charge" Rule Would Prove Particularly Harsh for Pregnant Women and Children* (May 1, 2018), <https://www.cbpp.org/research/poverty-and-inequality/trump-public-charge-rule-would-prove-particularly-harsh-for-pregnant>.

## **Conclusion**

The Proposed Rule is already negatively impacting the lives of children across the country, and we know from the experience of welfare reform that if it is finalized, its chilling effect is likely to worsen. For these reasons, USCIS should withdraw the Proposed Rule and re-focus its efforts on providing vulnerable children with the assistance they need to heal and grow.

Sincerely,

/s/

Cory Smith  
Vice President of Policy, Advocacy and Communications  
Kids in Need of Defense