

Congress of the United States
Washington, DC 20515

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2018 MAY -7 PM 1:16

May 7, 2018

The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security
300 7th Street, SW
Washington, D.C. 20024

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

Dear Secretary Nielsen and Director Mulvaney,

As Members of Congress, we write to express our collective concern regarding the draft rule from the Department of Homeland Security that would allow immigration officers to weigh the use of public benefits by immigrants and their family members in the determination of applications for visas or green cards. Such a rule would essentially force families, including those with U.S. citizen children, to choose between getting the help they need to prosper – from crucial programs that provide medical care, food assistance, housing assistance, and early childhood education – and reuniting with those they love. These are not the ideals of our country, and we urge the Department to reconsider this ill-advised proposal.

The proposal of such rule is a back-door attempt to circumvent Congress and unilaterally restrict family reunification. Expanding the definition of “public charge” under this rule would in essence create a new authority to bar immigrants from obtaining legal entry or permanent resident status in the country by virtue of caring for their family through the use of social services that they are legally entitled to use while under their current status. This proposed rule is not about preventing immigrants from taking advantage of benefits to which they do not have legal access – current law already prevents the vast majority of immigrants from accessing most Federal means-tested public benefits. It is about leveraging public health and education to deny immigration benefits and keep families apart. This clearly presents a conflict in which immigrant parents, for example, may hesitate to take their U.S. citizen children to the doctor because it would be counted against them in their immigration case. It is unconscionable to think that the U.S. government would jeopardize the health and wellbeing of American children and our nation in order to restrict legal immigration.

The work of government is to support our communities and allow them to thrive. Restricting access to vital services for many families not only harms the restricted families, but also the communities in which they belong. This rule would force families to choose between putting food on the table for their children and being granted legal status. In doing so, the government would be putting families at risk for simply feeding their kids, directly harming American children and damaging the communities in which they live. We urge the Department to reconsider this rule as it is harmful to America and its people.

We look forward to your timely response.

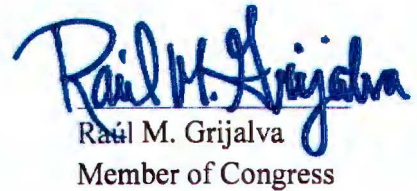
Sincerely,



Adriano Espaillat
Member of Congress



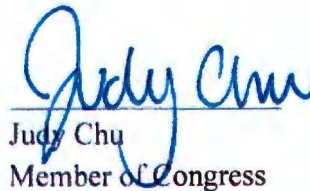
Zoe Lofgren
Member of Congress



Raúl M. Grijalva
Member of Congress



Michelle Lujan Grisham
Member of Congress



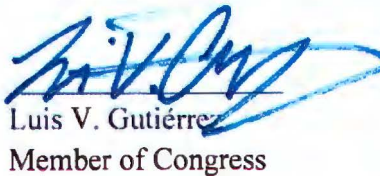
Judy Chu
Member of Congress



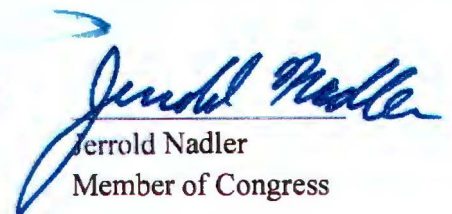
Cedric L. Richmond
Member of Congress



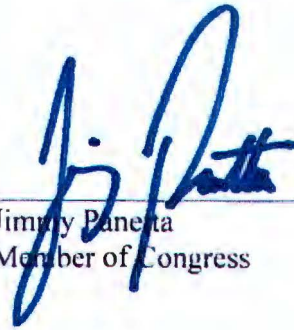
Yvette D. Clarke
Member of Congress



Luis V. Gutiérrez
Member of Congress



Jerrold Nadler
Member of Congress



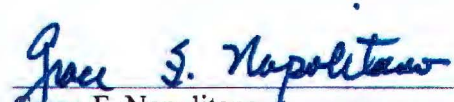
Jimmy Panetta
Member of Congress



Dina Titus
Member of Congress



Juan Vargas
Member of Congress



Grace F. Napolitano
Member of Congress



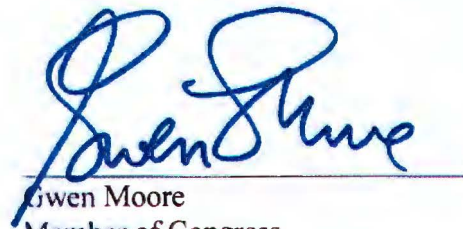
Alcee L. Hastings
Member of Congress



Barbara Lee
Member of Congress



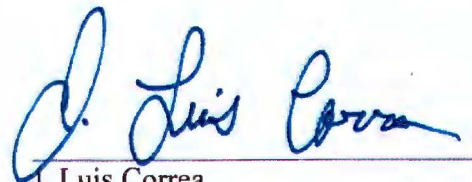
Nydia M. Velázquez
Member of Congress



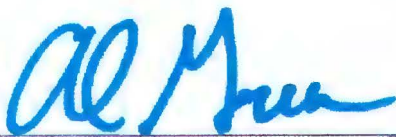
Gwen Moore
Member of Congress



Albio Sires
Member of Congress



J. Luis Correa
Member of Congress




Al Green
Member of Congress



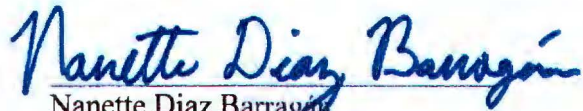
Gene Green
Member of Congress



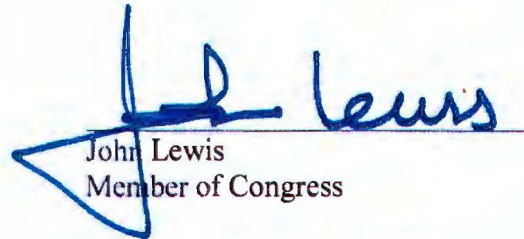
Mark DeSaulnier
Member of Congress



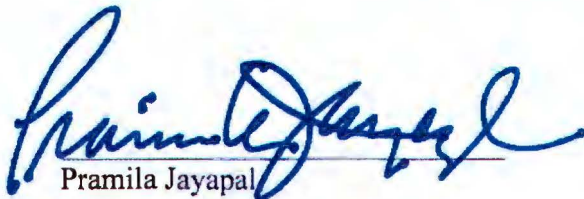
Keith Ellison
Member of Congress



Nanette Diaz Barragan
Member of Congress



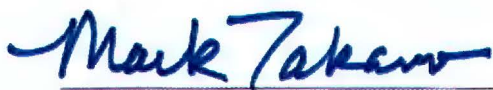
John Lewis
Member of Congress



Pramila Jayapal
Member of Congress




Bennie G. Thompson
Member of Congress



Mark Takano
Member of Congress



Betty McCollum
Member of Congress



James P. McGovern
Member of Congress



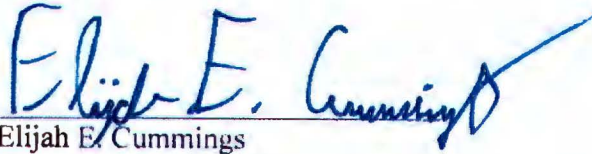
Ro Khanna
Member of Congress



Adam Smith
Member of Congress



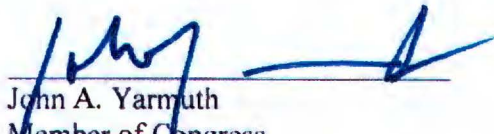
Eleanor Holmes Norton
Member of Congress



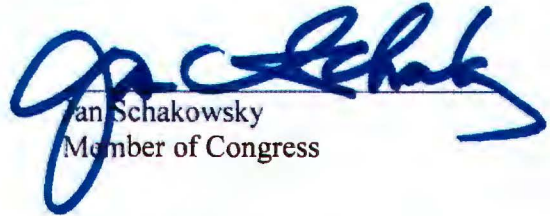
Elijah E. Cummings
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



John A. Yarmuth
Member of Congress



Jan Schakowsky
Member of Congress



Jimmy Gomez
Member of Congress



André Carson
Member of Congress



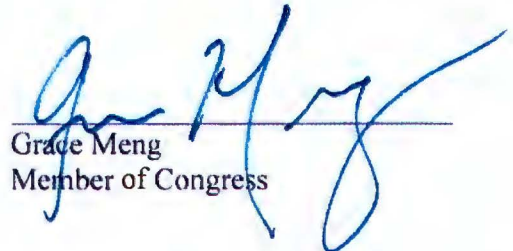
Anthony G. Brown
Member of Congress



Bonnie Watson Coleman
Member of Congress



Brenda L. Lawrence
Member of Congress



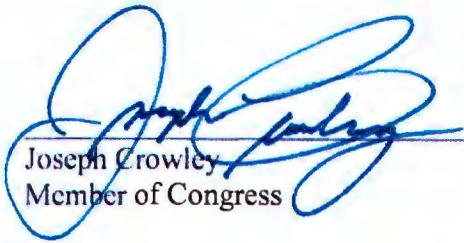
Grace Meng
Member of Congress



Rick Larsen
Member of Congress



Ruben J. Kihuen
Member of Congress




Joseph Crowley
Member of Congress



Linda T. Sánchez
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Frank Pallone, Jr.
Member of Congress



Kathleen M. Rice
Member of Congress



Peter Welch
Member of Congress



Rosa L. DeLauro
Member of Congress




José E. Serrano
Member of Congress




Suzanne Bonamici
Member of Congress



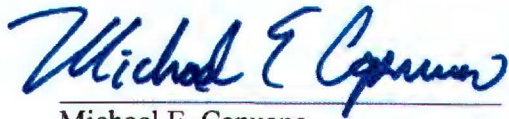
Sander Levin
Member of Congress



Beto O'Rourke
Member of Congress



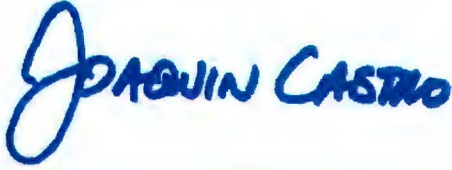
Robert C. "Bobby" Scott
Member of Congress



Michael E. Capuano
Member of Congress



Diana DeGette
Member of Congress



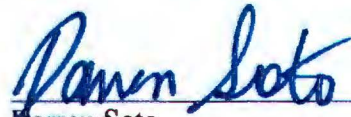
Joaquin Castro
Member of Congress



Timothy J. Walz
Member of Congress



Carolyn B. Maloney
Member of Congress



Darren Soto
Member of Congress



David E. Price
Member of Congress




Carol Shea-Porter
Member of Congress



Lucille Roybal-Allard
Member of Congress



Mark Pocan
Member of Congress



Val Butler Demings
Member of Congress



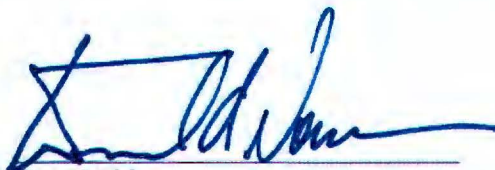
Tulsi Gabbard
Member of Congress


Jamie Raskin
Member of Congress


Frederica S. Wilson
Member of Congress


Eddie Bernice Johnson
Member of Congress


David N. Cicilline
Member of Congress


Donald Norcross
Member of Congress

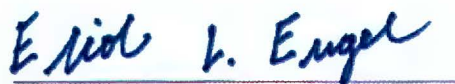

Chellie Pingree
Member of Congress



Doris Matsui
Member of Congress


Jared Huffman
Member of Congress


Mike Quigley
Member of Congress

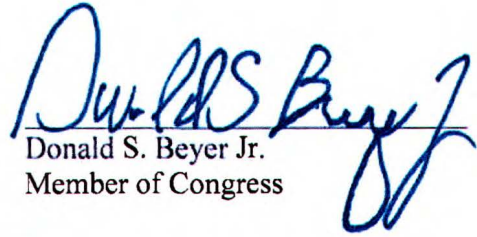

Susan A. Davis
Member of Congress


Eliot L. Engel
Member of Congress


Brad Sherman
Member of Congress



William R. Keating
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Mike Thompson
Member of Congress



Jerry McNerney
Member of Congress



Lloyd Doggett
Member of Congress



**U.S. Citizenship
and Immigration
Services**

June 22, 2018

The Honorable Adriano Espaillat
U.S. House of Representatives
Washington, DC 20515

Dear Representative Espaillat:

Thank you for your May 7, 2018 letter. Secretary Nielsen and OMB Director Mulvaney asked that I respond on their behalf.

The Department of Homeland Security is in the process of developing a proposed rule addressing the public charge ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act. The publication of the proposed rule would afford the public, including members of Congress, an opportunity for public comment. A final rule would only follow after careful consideration of the public comments received.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director