

December 5, 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

Re: DHS Docket No. USCIS-2010-0012, Comments in Response to
Proposed Rulemaking: Inadmissibility on Public Charge Grounds

To Whom It May Concern:

On behalf of MAZON: A Jewish Response to Hunger, I write to express strong opposition to the Department of Homeland Security's proposed rule, "Inadmissibility on Public Charge Grounds."

The proposed rule change would dangerously broaden the longstanding public charge ground of inadmissibility which has existed for more than 100 years.¹ If enacted, this rule change would negatively affect millions of individuals by penalizing them for participating in federal safety net programs. It is so draconian that an estimated one third of U.S. citizens—107 million people—would fail to meet its standards.² We are particularly concerned that for the first time, a legal immigrant to the U.S. could be considered ineligible for citizenship simply because he or she utilizes the Supplemental Nutrition Assistance Program (SNAP)—our nation's food stamp program.

Particular Resonance for the Jewish Community

Inspired by Jewish values and ideals, MAZON is a national advocacy organization working to end hunger among people of all faiths and backgrounds in the United States and Israel. For more than 30 years, MAZON has been committed to ensuring that vulnerable people have

¹ United States Citizenship and Immigration Services. (2011). *Public Charge Fact Sheet*. Retrieved from: <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet>.

² Batalova, J., Fix, M., & Greenberg, M. (2018). *Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use*. Retrieved from the Migration Policy Institute website: <https://www.migrationpolicy.org/research/chilling-effects-expected-public-charge-rule-impact-legal-immigrant-families>, p. 23.

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access to the resources they need to be able to put food on the table. MAZON is a leading voice throughout the country on anti-hunger issues, especially those that involve populations or problems that have been previously overlooked or ignored—this includes food insecurity among veterans, currently-serving military families, seniors, Native Americans, and college students.

As a Jewish organization, MAZON understands the deep and devastating implications of this proposed rule change and the grave harm it could bring in today's world. Jews were subjected to an eerily similar public charge policy by the United States following the Nazi Party's electoral victory in pre-World War II Germany. By 1933, the U.S. was already nine years deep into the Immigration Act of 1924—a racist, anti-Semitic policy which severely restricted immigration from Eastern and Southern Europe. When advocates begged for Jews to be let into the country to escape persecution, they were met with the argument that we would be an "economic burden—or "likely to become a public charge"—and thus barred entry.

In fact, the Roosevelt administration's public charge-related enforcement policies resulted in the U.S. government giving out only a fraction of the visas it had available for Germans during World War II.³ The undeniable xenophobia in U.S. policy—disguised as an economic decision—closed off one of the few escape routes for European Jews facing deportation to concentration camps and contributed to the Nazi genocide of one third of the Jewish people.

The current proposed changes would give the administration broad discretion to deny admission of similarly situated immigrants to the United States. Through this policy proposal, the U.S. government is poised to repeat its loathsome policies that led to the horrific deaths of innocent people. This would impact a large number of applications from prospective immigrants and would also impact a significant population of those already in the U.S. who are seeking permanent residency or hoping to reunite with family members in the U.S. The Migration Policy Center recently found that "based on the experience of the 1990s immigration and welfare reforms, it is reasonable to expect that the rule will

³ United States Holocaust Memorial Museum. *The United States and the Refugee Crisis, 1938-41*. Retrieved from: <https://encyclopedia.ushmm.org/content/en/article/the-united-states-and-the-refugee-crisis-1938-41>.

discourage millions of immigrants from accessing health, nutrition, and social services.”⁴ We find this as unacceptable now as it was in the 1930s.

Disastrous Effects on Millions of Families

The current public charge ground of inadmissibility affects approximately 3% of immigrants—these individuals can be deemed inadmissible to the U.S. if they are seen to rely on the government for subsistence by receiving cash benefits like Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI).⁵ If enacted, the proposed rule change would result in 47% of immigrants—an estimated 10.3 million people—being subjected to the public charge test.⁶ By simply receiving assistance with healthcare, nutrition, or housing, these individuals could be barred from obtaining legal status in the U.S., unable to sponsor family members in the U.S., and could be vulnerable to deportation.

Furthermore, the rule change would introduce an unprecedented income test and negatively weigh many factors in an individual’s life in determining whether they are seen as a public charge. Under the new rule, an immigrant could be explicitly penalized due to his or her age, family size, income level, medical conditions, and English language fluency.⁷

We know that in 1999, the Immigration and Naturalization Service (INS) expressed concern about immigrants fearing to participate in federal assistance programs related to medical services and nutrition, which was “not only causing them considerable harm, but [...] also jeopardizing the general public.”⁸ At the time, INS issued guidance to clarify that the public charge test applies only to immigrants who are “primarily dependent on the government for subsistence” and not to those who

⁴ Batalova, Fix, & Greenberg, p. 12.

⁵ Batalova, Fix, & Greenberg, p. 6.

⁶ Batalova, Fix, & Greenberg, p. 7.

⁷ Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 51114 (October 10, 2018). *Federal Register: The Daily Journal of the United States*. Retrieved from: <https://www.gpo.gov/fdsys/pkg/FR-2018-10-10/pdf/2018-21106.pdf>.

⁸ Inadmissibility and Deportability on Public Charge Grounds; Field Guidance on Deportability and Inadmissibility on Public Charge Grounds; Proposed Rule and Notice. 64 Fed. Reg. 28676 (May 26, 1999). *Federal Register: The Daily Journal of the United States*. Retrieved from: <https://www.gpo.gov/fdsys/pkg/FR-1999-05-26/html/99-13188.htm>.

receive non-cash benefits like SNAP (formerly known as food stamps).⁹ It has long been understood that non-cash benefits—provided to individuals in the form of vouchers or direct services to support nutrition, health, and living conditions needs—are supplementary support and therefore do not represent a family's primary dependence on the government. Nearly 20 years later, expanding the public charge rule is completely unwarranted and would reverse decades of sound policy and practice, threatening considerable harm to those subjected to this expanded measure and to the general public.

Families are already disenrolling in critical services like SNAP, fearing that their participation will negatively affect immigration proceedings for themselves or family members. If enacted, this proposed rule change would force families to make an impossible choice: whether to accept government assistance like SNAP or live in safety with the people they love. It would therefore worsen the already dire food insecurity rates in this country.

Rule Change Would Worsen Hunger and Poverty

We cannot overstate the importance of federal nutrition assistance programs like SNAP. It is the cornerstone of our country's nutrition safety net, serving the public good and helping millions of Americans—immigrant and non-immigrant alike—achieve self-sufficiency. SNAP was created decades ago by a bipartisan coalition of policymakers to ensure that people who are in need never have to struggle to find food. In 2016, nearly 44.2 million people participated in SNAP—nearly two thirds of those participants (44%) were children, seniors (12%), and people with disabilities (9%).¹⁰ The number of SNAP recipients has been decreasing in recent years—today, over 40 million Americans utilize SNAP¹¹—but participation is still elevated from pre-Great Recession totals, primarily because improvements in our country's overall economy have not translated into gains for the most vulnerable among us.

⁹ Field Guidance on Deportability and Inadmissibility on Public Charge Grounds. 64 Fed. Reg. 28689 (March 26, 1999). *Federal Register: The Daily Journal of the United States*. Retrieved from: <https://www.gpo.gov/fdsys/pkg/FR-1999-05-26/pdf/99-13202.pdf>.

¹⁰ United States Department of Agriculture, Food and Nutrition Services. (2016). *Characteristics of the USDA Supplemental Nutrition Assistance Households Fiscal Year 2016: Summary*. Retrieved from: <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2016-Summary.pdf>.

¹¹ United States Department of Agriculture, Food and Nutrition Services. (2017). *Supplemental Nutrition Assistance Program*. Retrieved from: <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>.

SNAP is an entitlement program, which means that if you qualify and apply, you receive the benefit. To qualify, households must meet strict eligibility requirements that include asset and income maximums and work requirements. Eligibility and benefit levels are generally set by the U.S. Department of Agriculture (USDA), although states have some flexibility around aspects that impact eligibility. Each state has its own application and approval process.

Across the country, the average SNAP benefit is about \$125 per person, per month.¹² Recipients receive this monthly stipend via electronic benefit transfer (EBT) cards, which they can use at authorized retailers to purchase food (not tobacco, alcohol, vitamins, medicine, or non-food items such as household supplies). Many SNAP recipients use the program for less than one year before regaining financial autonomy.¹³

Accepting SNAP benefits does not make an individual a bad person, a criminal, or an economic burden. Rather, SNAP is a humane and effective program designed to ensure that children, seniors, and families do not go hungry and to fight the most tragic impacts of poverty. SNAP provides a small modicum of support to individuals and families during moments of need.

For millions of Americans, programs like SNAP are critical in enabling them to live above the poverty line. If these families opt to forego the SNAP benefits to which they are entitled, they will be forced to turn to local services—like food pantries—to meet their basic needs. This will create a significant challenge to such charitable organizations, since their mission was never intended to focus on feeding entire communities. Instead, these food banks, food pantries, and soup kitchens help to alleviate what were thought to be temporary or emergency situations. A mere fraction of food assistance in this country comes from the charitable sector, and it would be completely untenable to expect that private charities would replace SNAP benefits.

Simply put, if this rule change is enacted, more people will go hungry and be forced deeper into poverty. Being hungry is all-consuming. Every day

¹² United States Department of Agriculture, Economic Research Service. (2018). *Monthly SNAP Benefits*. Retrieved from: <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/charts/monthly-snap-benefits/>.

¹³ United States Census Bureau. (2015). *Dynamics of Economic Well-Being: Participation in Government Programs, 2009-2012: Who Gets Assistance?* Retrieved from: <https://www.census.gov/library/publications/2015/demo/p70-141.html>.

it decreases the productivity of working adults and negatively impacts unemployed people's ability to find jobs. And for children, chronic hunger has devastating effects, impacting their physical development and making it nearly impossible to learn. In both the short and long term, having a substantial population of hungry people—adults or children, immigrant or non-immigrant—impedes our country's economic prosperity, thereby impacting all of us.

This Is Not Who We Are

Regardless of intent, the proposed rule change would undermine current policies that have successfully balanced our country's generosity and efficiency. Programs like SNAP provide temporary, modest support to families who are struggling to put food on the table and meet the most basic necessities of life. These programs also enable talented, hard-working immigrants the chance to succeed in this country, giving them a foundation upon which so many have built productive and prosperous lives. Many of the Jews who arrived after World War II needed this same type of temporary help, allowing them—us—to build lives that have benefitted us all.

The proposed rule change disregards the contributions of immigrants to our nation's success, both historical and current. American Jewish history—along with our millennia-old traditions and texts—teach us to protect families, children, and the vulnerable. We believe in human dignity and the value of all people, regardless of where they come from or how much money they have. We therefore urge you to rescind this rule change.

Sincerely,



Abby J. Leibman
President and CEO
MAZON: A Jewish Response to Hunger