

December 19, 2025

*Submitted via www.regulations.gov*Secretary Kristi Noem
U.S. Department of Homeland Security
Washington, D.C. 205281101 14th Street, NW
Suite 930
Washington, DC 20005
t (202) 830-0730
f (202) 830-0649**Re: DHS Docket No. USCIS-2025-0304, U.S. Citizenship and Immigration Services**

Dear Secretary Noem,

MAZON: A Jewish Response to Hunger provides these comments in response to the Department of Homeland Security's (DHS, or the Department) Notice of Proposed Rulemaking (NPRM) published in the Federal Register on November 19, 2025. MAZON strongly opposes the proposed changes to the regulations that govern "public charge," which would replace the current guidelines with a discretionary and discriminatory system that would increase chaos and fear. Without clear guidance on what programs can and cannot be considered in a public charge determination, this NPRM will create a chilling effect on people in need lawfully seeking benefits and will increase hunger in this country among both immigrants and U.S. citizens.

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 over 40 years, MAZON has been committed to ensuring that people have access to the resources they need to be able to put food on the table. MAZON is a leading voice on anti-hunger issues, including those that have been previously overlooked or under-addressed. This mission includes protecting federal food programs for all families and individuals who rely on these programs to nourish themselves.

As a Jewish organization, the Board and staff of MAZON understand on a deeply personal level the grave harm of this proposed rule change. Jews were subject to an eerily similar public charge policy by the United States following the Nazi

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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 that 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.¹ 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 proposal is motivated by a similar animus to immigrants from places President Trump deems “shitholes” and “hellholes.”² This disgusting rhetoric is not merely ranting and raving. Changes to public charge proposed during both Trump administrations are clearly designed to enact racially discriminatory policy that would alter the geographic makeup of the United States immigrant population away from Africa, Mexico and Central America in favor of immigrants entering from wealthier European countries.³ As immigrants with family already living in the country are more likely to be subject to these sweeping changes, the new proposed system would cause a rise in unconscionable family separation among people of color — both immigrants and U.S. citizens — who are already residing legally in the country.

Between World War II and present day, the United States has developed policies that deem an individual likely to become a public charge **only if** they are likely to become “primarily dependent on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense.” This precedential, balanced, and effective meaning of public charge, based on decades of case law, Congressional action, and federal agency guidance materials is reflected in the 2022 final rule that this current proposal seeks to replace.⁴ The new proposal rescinds the majority of the current rule without replacing the guidance, and instead, the NPRM states that new guidance for United States Citizenship and Immigration Services (USCIS) officers will be issued after the rule is finalized. This outrageous departure from standard procedure would create

¹ 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>.

² *Trump's Speech on Combating Inflation Turns to Grievances About Immigrants*. NPR, 2025. <https://www.npr.org/2025/12/10/g-s1-101506/trumps-speech-grievances-about-immigrants>.

³ Randy Capps, Mark Greenberg, Michael Fix, and Jie Zong, *Gauging the Impact of DHS' Proposed Public-Charge Rule on U.S. Immigration*, Migration Policy Institute, November 2018. <https://www.migrationpolicy.org/research/impact-dhs-public-charge-rule-immigration>.

⁴ Department of Justice, *Field Guidance on Deportability and Inadmissibility on Public Charge Grounds*, May 26, 1999, 64 Federal Register 28689 (Field Guidance). <https://www.federalregister.gov/documents/1999/05/26/99-13202/field-guidance-on-deportability-and-inadmissibility-on-public-charge-grounds>.

an environment where the inconsistent and unsupported decisions by individuals implementing incomplete policy will produce wildly divergent results across the country. This careless lack of clarity is unacceptable and is a further illustration of the arbitrary and capricious nature of this proposal.

Without more detail, it is impossible to provide a full analysis of the harms of the proposed regulatory changes. The NPRM repeatedly refers to the accountability measures currently in place as a “straitjacket” in making public charge determinations, leaving open the possibility that any means-tested benefits applied for or received at any time or for any duration by a family that includes noncitizens could be considered in such a decision. This outright hostility to the idea that predictability and consistency in the regulations that govern our immigration policy are essential removes any legal recourse for noncitizens who face arbitrary and discriminatory status determinations. These are vastly more sweeping policy changes than were even contemplated in the rule adopted by the Trump Administration in 2019. In order to move forward with this new proposal, DHS must consider the extensive and evidence-based opposition to the earlier rule change in addition to the new comments received regarding this NPRM.

Food insecurity affects 13.5 percent of households in this country and 1 in 5 children. As an organization in its fifth decade of working to end hunger in America, MAZON knows that this proposed rule change will increase food insecurity and the pain of hunger in this country for citizens and noncitizens alike. Most notably, the proposed rule eliminates the explicit exclusion that applying for or receiving benefits on behalf of their U.S. citizen family members is not considered “receipt.” Including the Supplemental Nutrition Assistance Program (SNAP) in the consideration of what constitutes a public charge was proposed in a narrower fashion in the 2018 rule, and that proposal created a massive chilling effect on mixed-status families applying for benefits to which they were legally entitled.⁵

SNAP is the largest and most effective program to reduce food insecurity and multiple categories of immigrants are eligible to receive benefits. Recent changes to the program, many of which are currently facing legal challenge, have thrown both program administrators and beneficiaries into uncertain waters. The proposed rule change to allow the inclusion of SNAP into a public charge determination, will compound this uncertainty immensely, even if the SNAP recipient is a citizen family member and not the noncitizen applicant themselves. As recent unprecedented disruptions to SNAP have shown, the program is an important pillar of local economies across the country, particularly in rural areas.⁶ This NPRM includes no analysis of the downstream effects of a

⁵ Randy Capps, Michael Fix, and Jeanne Batalova, *Anticipated “Chilling Effects” of the Public-Charge Rule Are Real: Census Data Reflect Deep Decline in Benefits Use by Immigrant Families*. Migration Policy Institute, 2020. <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real>.

⁶ *Mayors: Cities Are Doing All They Can, But Washington Must Act to Feed American Families*. The United States Conference of Mayors, 2025. <https://www.usmayors.org/2025/11/03/mayors-cities-are-doing-all-they-can-but-washington-must-act-to-feed-american-families>.

substantial portion of legally eligible SNAP beneficiaries declining to apply for or disenrolling from the program.

While SNAP recipients are accustomed to facing this type of stigma, this is not the only anti-hunger program that would be improperly swept up in an overbroad consideration of public charge. Other programs that also provide immense value to beneficiaries, their families, and their communities including the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the National School Lunch Program (NSLP), and myriad state-level school meals programs could also be improperly used in public charge determinations under this NPRM. If this ill-considered proposal was allowed to take effect, an otherwise qualified immigrant could be deemed a public charge if a U.S. citizen family member received short-term assistance after the birth of a child or happened to attend a school where lunch was provided free of charge for all students.

Hunger fighting powerhouses like SNAP, WIC, and school meals provided by state and federal programs have societal benefits beyond the lifesaving food they provide. The idea that being a SNAP recipient or connected to a SNAP recipient would make someone a public charge rings contrary to the supplemental nature of the program. Most SNAP recipients who can work do so, and many of the largest employers in this country have employees who are eligible for SNAP benefits.⁷ According to Children's HealthWatch, a nonpartisan network of pediatricians, public health researchers, and children's health and policy experts, children of immigrants who participate in SNAP are more likely to be in good or excellent health, be food secure, and have resources to afford medical care and prescription medications than children in immigrant families without SNAP.⁸ Similarly, WIC, and school meals set participants up for success in later life — making recipients and their family members less likely to become a public charge rather than more likely. Despite providing such a benefit to children, research from the Urban Institute indicates that the chilling effect caused by proposed regulatory changes that are hostile to immigrants, such as this NPRM, affect households with children at nearly double the rate of households without.⁹

The proposed rule includes an estimate that nearly half a million SNAP recipients will disenroll or forgo enrollment all together. However, DHS provides incomplete insight into how this

⁷ Joseph Llobrera and Lauren Hall, *SNAP Provides Critical Benefits to Workers and Their Families*, Center on Budget and Policy Priorities, 2025. <https://www.cbpp.org/research/food-assistance/snap-provides-critical-benefits-to-workers-and-their-families>.

⁸ Children's HealthWatch, *Report Card on Food Security and Immigration: Helping Our Youngest First-Generation Americans To Thrive*, 2018, <http://childrenshealthwatch.org/wp-content/uploads/Report-Card-on-Food-Insecurity-and-Immigration-Helping-Our-Youngest-First-Generation-Americans-to-Thrive.pdf>

⁹ Jennifer M. Haley, Genevieve M. Kenney, Hamutal Bernstein, and Dulce Gonzalez, *One in Five Adults in Immigrant Families with Children Reported Chilling Effects on Public Benefit Receipt in 2019*, Urban Institute, 2020. <https://www.urban.org/research/publication/one-five-adults-immigrant-families-children-reported-chilling-effects-public-benefit-receipt-2019>.

number was reached and research suggests it is a drastic underestimation of the true chilling effect of the proposal.¹⁰ Whatever the true number of beneficiaries who will lose essential services to which they are legally entitled, DHS is aware that the number will not be insignificant. Under Executive Order 13563, the Department is required to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. The proposed rule not only fails to meet these requirements. It fails to meaningfully address any of them.

The proposed rescissions and changes to the public charge determination process along with the lack of process, detail, or evidence-based decision-making fail to meet any standard of thoughtfulness or reasonableness. The harm of this proposal is not hypothetical and will fall disproportionately on the vulnerable populations whose food security is at the heart of MAZON's mission. As such, MAZON strongly urges DHS to take this comment and the linked information under advisement and withdraw this proposed rule. MAZON is available to discuss these recommendations further. If you have any questions, please contact Sarah Pratter, Director of Legal Advocacy, at spratter@mazon.org.

Sincerely,

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

¹⁰ Samantha Artiga, Drishti Pillai, Sammy Cervantes, Akash Pillai and Matthew Raie, *Potential "Chilling Effects" of Public Charge and Other Immigration Policies on Medicaid and CHIP Enrollment*, KFF, 2025. <https://www.kff.org/medicaid/potential-chilling-effects-of-public-charge-and-other-immigration-policies-on-medicare-and-chip-enrollment>.