



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: Notice of Proposed Rulemaking re: Inadmissibility on Public Charge Grounds, DHS Docket No. USCIS-2010-0012

Dear Ms. Deshommes:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole, to express my support of the proposed definition of “public charge.”

My progressive colleagues on the Commission have submitted a comment opposing the proposed rule.¹ As a preliminary matter, I do not think that the Commission has general jurisdiction over immigration-related matters, and certainly not in regard to the financial criteria for admission. The Commission does not magically acquire jurisdiction over a particular subject simply because people of a particular skin tone *may* be affected.² Financial criteria are admirably color-blind. However, since my colleagues have submitted a comment on the topic, I write to register my dissent.

As DHS writes, the purpose of the public charge doctrine is to ensure that individuals admitted to the United States are able to be self-sufficient and will not be burdens on the public. The limited number of non-cash benefits that DHS proposes to incorporate into the definition of “public charge” indicate by their very nature that these individuals are not able to be self-sufficient. These non-cash benefits are:

Nonemergency Medicaid, Premium and Cost Sharing Subsidies for Medicare Part D; the Supplemental Nutrition Assistance Program (SNAP); benefits provided for institutionalization for long-term care at government expense; and housing programs, including Section 8 Housing Assistance under the Housing Choice Voucher Program, Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation), and Subsidized Public Housing.³

All of these non-cash benefits are long-term benefits. Unfortunately, welfare use by immigrants does not decline over time. The Center for Immigration Studies recently released a study that

¹ U.S. Commission on Civil Rights Comment in Opposition to Notice of Proposed Rulemaking re: Inadmissibility on Public Charge Grounds, Dec. 7, 2018, <https://www.usccr.gov/press/2018/12-07-Comment-on-Public-Charge-Rule.pdf>

² *Id.* at 2.

³ DHS, Notice of Proposed Rulemaking, Inadmissibility on Public Charge Grounds 83 FR 51114, 51159-60 (Oct. 10, 2018).



found, “Welfare use tends to be high for both newer arrivals and long-time residents. Of households headed by non-citizens in the United States for fewer than 10 years, 50 percent use one or more welfare programs; for those here more than 10 years, the rate is 70 percent.”⁴ The same report found that the level of welfare use by non-citizen households is much higher than the level of use by native households.⁵

As the son of an immigrant, I firmly believe that those who are admitted into the country should not rely on the government for sustenance. I also think that financial criteria for admission into the country are eminently fair and do not discriminate based on an individual’s country of origin or the color of his skin. Therefore, I support this proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kirsanow".

Peter Kirsanow
Commissioner

⁴ Steven A. Camarota and Karen Zeigler, “63% of Non-Citizen Households Access Welfare Programs,” Center for Immigration Studies, Dec. 2, 2018, <https://cis.org/Report/63-NonCitizen-Households-Access-Welfare-Programs>.

⁵ Id.