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Submitted via [www.regulations.gov](http://www.regulations.gov)

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**

Dear Ms. Deshommes:

On behalf of the Boston Bar Association's Family Law Section, we respectfully submit these comments in opposition to the proposed regulations related to inadmissibility on public charge grounds, DHS Docket No. USCIS-2010-0012.<sup>1</sup> The BBA Family Law Section is led by a Steering Committee made up of experienced public and private sector attorneys with expertise in an array of fields dedicated to maintaining relationships with the courts, peers, and other parties invested in family law. The Committee discusses current issues and problems areas, assists in efforts to improve law and procedures, and hosts education programs to facilitate a comprehensive understanding of existing law.

As family law practitioners, we understand the importance of promoting policies that consider the best interest of the child, favor the health, well-being, and unity of families, and will not have negative impacts on our processes and systems through which family law determinations are made. Thus, we oppose the proposed policy, as it will separate families, increase poverty, put the health and well-being of millions of immigrant and non-immigrant children at stake, and may also interfere with the functioning of our family law system, as well as over-burdening already strained agencies that provide resources for the needy.

The proposed rule, which will primarily impact immigrants who are applying for a green card through a family-based petition, greatly interferes with access to essential necessities for millions of immigrants and their families. The regulation expands the categories of benefits that would prevent a petitioner from obtaining legal permanent resident status and certain non-immigrant statuses and adjustments to include things like Supplemental Nutrition Assistance Program (SNAP), federal housing benefits, and certain Medicaid and Medicare benefits. These benefits provide crucial services and programs for the basic health and security needs of millions in the U.S., and immigrant parents should not be forced to choose between accessing these vital services for their family and sacrificing their ability to remain in the country legally.

For millions of immigrants, there are countless benefits to obtaining status as permanent residents or through non-immigrant visas, including greater job security, bargaining power, the ability to freely enter the job market, and more economic opportunity. This does not include "soft" factors, like increased stability, peace of mind, and minimizing the risk of being separated from their family. Because of fear that use of these benefits will harm their immigration status,

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<sup>1</sup> Please note that the following comment does not reflect a position of the Boston Bar Association and is instead being in submitted on behalf of the interested section.

immigrant families are already choosing to forgo or drop benefits to which they are entitled, and if the proposed rule goes into effect, many more will drop off out of fear and confusion, even if the rule does not directly impact them. Without these benefits, immigrants and their children (who may themselves be U.S. citizens) could face serious health consequences and housing instability. Scaled out, communities will suffer as local governments and charities struggle to try to close the gap with already limited resources. Making parents choose between obtaining essential services and becoming permanent residents of the United States is a draconian choice that will harm millions of families and communities.

Additionally, if enacted, the rule would result in the break-up of thousands of families. In the U.S., more than 1 in 4 children, most of whom are U.S. citizens, live with an immigrant parent. In the city of Boston alone, of 19,400 Boston residents who would possibly face deportation, 1,882 are minor children, 5,896 are married, and approximately 6,000 are caring for minor children. As families are separated, more children will be pushed into foster care or other arrangements.

In addition, in Massachusetts, in cases where the Department of Children and Families has been granted temporary custody of children, indigent parents are routinely required to enroll themselves and family members in services that they would not be able to afford without enrollment in our state healthcare system. And in medical neglect cases, children's health insurance enrollment alone is a prerequisite to ensuring a child attends regular medical visits. For fear that accessing these benefits will risk their immigrant status and thereby separate them from their children permanently, parents may be more likely to choose to forgo these benefits, which in turn will lead to the child being turned over to DCF. Besides the negative health consequences that long-term foster care may have on the children (and the impossible option of sending a child to live elsewhere), it will also be a greater burden to our already overburdened systems.

For the above reasons, we oppose the proposed regulations and urge that they not be enacted. We thank you for your careful consideration of these comments. If you'd like additional information on the above concerns, please contact BBA Legislative and Public Policy Manager Alexa Daniel at [adaniel@bostonbar.org](mailto:adaniel@bostonbar.org).

Sincerely,

BBA Family Law Section Steering Committee