



December 3, 2018

Samantha Deshommes  
Chief, Regulatory Coordination Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Ave. NW  
Washington, D.C. 20529-2140

**Re: DHS Docket No. USCIS 2010-0012**

Dear Ms. Deshommes:

We are writing on behalf of the Association of California School Administrators and the California School Boards Association (ACSA-CSBA Federal Partnership) in opposition to the Department's proposed expansion of the criteria that is used to determine whether an alien is inadmissible to the United States because he or she is likely at any time to become a public charge. (Proposed Rule – Inadmissibility on Public Charge Grounds, published October 10, 2018) The changes proposed would not only negatively impact immigrant children in our state, but also poses a threat to the well-being of students who are United States citizens.

The ACSA-CSBA Federal Partnership seeks to prepare students for success and to equip all young people with the knowledge and skills required for college, the workforce, and civic engagement by creating a coherent system of equitable funding and continuous improvement for our schools that serve nearly 6.2 million students. Our focus, and the focus in the California P-12 education system, is on providing every student with the instruction and support they need for success in college and the workforce. The Department's proposed rule would act in direct conflict to this focus.

We respectfully request that you abandon the proposal to include certain non-cash benefits in the list of public benefits used in the Department's public charge inadmissibility analysis and maintain the current policy's focus on cash benefits. The proposed expansion includes non-cash benefits that, if foregone by immigrants for fear of being determined inadmissible, would have a direct and negative impact on the children California's public schools serve:

- By including the Supplemental Nutrition Assistance Program (SNAP) and the Children's Health Insurance Program (CHIP) in the definition of "public charge," – even with the DHS proposed definition of SNAP – our neediest learners are more likely to attend school hungry and possibly malnourished, without having received adequate health care including immunizations, and without access to critical health services such as eye and dental care, and mental health services. This places these students at a significant disadvantage in terms of readiness to learn.

When these students are unable to learn, they then become adults who lack the academic and social-emotional preparation to be self-sufficient. Further, when students do not receive adequate health care, they are exposing other students to risk of illness. This affects all students' health and education, including immigrants and U.S citizens.

- There should be no ambiguity regarding the exclusion of school lunch and breakfast program benefits from the public charge definition. Previous versions of these proposed regulations specified that school lunch and breakfast programs may not be used to determine a family's status.
- There is evidence that the proposed expansion of criteria is already having the negative impact we fear. A recent article (Zaidee Stavely, [EdSource](#) -- 11/15/18) notes that "Administrators at community clinics, school-based health centers, and agencies serving children say some parents in California are already choosing not to enroll or are withdrawing their children from health and nutrition programs." and "[H]undreds of thousands of immigrant parents in California may disenroll their children from health insurance, food stamps, and other federally subsidized programs because they fear that receiving these benefits will make it impossible for them to become permanent residents in the United States."

We appreciate your consideration of these comments. If you have any questions about our concerns, please let us know.

Sincerely,



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