

Congress of the United States
Washington, DC 20515

June 6, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane Southwest
Washington, D.C. 20528-0075

SCANNED/RECEIVED
BY EXEC SEC
2018 JUN 21 AM 6:20

The Honorable Mick Mulvaney
Director, Office of Management and Budget
725 17th Street, Northwest
Washington, D.C. 20503

Dear Secretary Nielsen and Director Mulvaney,

As Members of Congress, we write to express our collective concern regarding the draft rule from the Department of Homeland Security that would allow immigration officers to weigh the use of public benefits by immigrants and their family members in the determination of applications for visas or green cards. Such a rule would essentially force families, including those with U.S. citizen children, to choose between getting the help they need to prosper – from crucial programs that provide medical care, food assistance, housing assistance, and early childhood education – and reuniting with those they love. These are not the ideals of our country, and we urge the Department to reconsider this ill-advised proposal.

The proposal of such rule is a back-door attempt to circumvent Congress and unilaterally restrict family reunification. Expanding the definition of “public charge” under this rule would in essence create a new authority to bar immigrants from obtaining legal entry or permanent resident status in the country by virtue of caring for their family through the use of social services that they are legally entitled to use while under their current status. This proposed rule is not about preventing immigrants from taking advantage of benefits to which they do not have legal access – current law already prevents the vast majority of immigrants from accessing most Federal means-tested public benefits. It is about leveraging public health and education to deny immigration benefits and keep families apart. This clearly presents a conflict in which immigrant parents, for example, may hesitate to take their U.S. citizen children to the doctor because it would be counted against them in their immigration case. It is unconscionable to think that the U.S. government would jeopardize the health and wellbeing of American children and our nation in order to restrict legal immigration.

The work of government is to support our communities and allow them to thrive. Restricting access to vital services for many families not only harms the restricted families, but also the communities in which they belong. This rule would force families to choose between putting food on the table for their children and being granted legal status. In doing so, the government would be putting families at risk for simply feeding their kids, directly harming American children and damaging the communities in which they live. We urge the Department to reconsider this rule as it is harmful to America and its people.

We look forward to your timely response.

Sincerely,



Vicente Gonzalez
Member of Congress



Filemon Vela
Member of Congress



**U.S. Citizenship
and Immigration
Services**

July 9, 2018

The Honorable Vicente Gonzalez
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gonzalez:

Thank you for your June 6, 2018 letter. Secretary Nielsen and Office of Management and Budget Director Mulvaney asked that I respond on their behalf.

The Department of Homeland Security is in the process of developing a proposed rule addressing the public charge ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act. The publication of the proposed rule would afford the public, including members of Congress, an opportunity for public comment. A final rule would only follow after careful consideration of the public comments received.

Thank you again for your letter and interest in this important issue. Representative Vela, who co-signed your letter, will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "LFC", with a horizontal line extending to the right.

L. Francis Cissna
Director