



CALIFORNIA COLLABORATIVE FOR LONG TERM SERVICES & SUPPORTS (CCLTSS)

December 10, 2018

Samantha Deshommès, 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
Submitted via www.regulations.gov

Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Ms. Deshommès:

The California Collaborative for Long Term Services and Supports is comprised of 37 statewide aging and disability organizations that promote dignity and independence in long-term living. Our members include advocates, providers, labor, and health insurers and collectively we represent millions of California seniors and people with disabilities, their caregivers, and those who provide health, human services, and housing.

We are writing to you in response to the Department of Homeland Security's Notice of Proposed Rulemaking to express our strong opposition to the changes regarding "public charge," published in the Federal Register on October 10, 2018. The proposed rule would cause serious harm to older immigrants, immigrants with disabilities, their families, localities, states, and health care providers and facilities, and DHS provides no justification for why changes are needed. We urge that the rule be withdrawn in its entirety, and that long-standing principles clarified in the 1999 field guidance remain in effect.

The current policy defines a public charge as an immigrant who is likely to become primarily dependent on the government for subsistence. The proposed rule will change the public charge test significantly by not only including people who receive benefits as the main source of support, but also older immigrants and immigrants with disabilities that simply receive assistance with health care, nutrition, or housing.

The proposed rule changes will cause a change in American policy towards immigration by counting wealth and income as the primary indicators of a person's future contribution. Being an older adult, a person with disabilities, a child, having a large family, or having a treatable medical condition will be weighed heavily against immigrants seeking permanent legal status. Many U.S. citizens would also no longer be able to bring their parents into the country, even after they have signed a commitment to support them. The proposed rule coldly labels parents and grandparents as a burden because of their age and health needs instead of recognizing the value of intergenerational families who support each other. Many grandparents play a vital role in caring for their grandchildren and other family members, often enabling others to work.

This rule will impact older adults and people with disabilities living in immigrant families in the U.S. by causing fear of using the programs their tax dollars help support, preventing access to essential health care, healthy, nutritious food and secure housing. It will cause an increase in poverty, hunger, ill health and unstable housing with profound consequences for older adults, people with disabilities and their families' well-being and long-term success. Generations improve their economic contributions over time and discouraging older adults and their families from receiving health, nutrition, housing, or educational supports for their children and grandchildren will only make it harder for them to achieve economic security in the future. Research shows that benefits that are included in the public charge determination, including SNAP and Medicaid, have positive long-term effects on recipients. Medicaid is critical for long-term services and supports. Without access to Medicaid home and community-based services fewer older adults and people with disabilities will be able to age with dignity, at home with their families and in their communities. Medicaid is also the key to access to oral health care, transportation, and other services Medicare does not cover and older adults could otherwise not afford.

The proposed rule will also harm the well-being of direct care workers who provide critical assistance to millions of older adults and people with disabilities who need help with dressing, bathing, eating and other daily tasks. Caregiving jobs tend to be part time and low-wage, so many direct care workers utilize public benefits programs to support themselves and their families. If direct care workers are afraid to access these programs, their own health and well-being will be compromised. Without access to health care,

nutritious food and housing, many care workers may be unable to afford to remain the U.S. The ripple effect would be a shortage in direct care workers, leaving many older Americans and people with disabilities without access to the caregiving they need.

This rule appears to be motivated by a desire to change America's system of family-based immigration to grant preference to the young and wealthy, in ways that the Administration has proposed through legislation, but that Congress has rejected. It would create a multitude of ways for individuals to fail the public charge test, and very few ways to overcome it.

For these reasons detailed in the comments above, the Department should immediately withdraw its proposal, and dedicate its efforts to advancing policies that support—rather than undermine—immigrant older adults, immigrant people with disabilities, and their families in the future. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services and support they need to remain healthy and productive.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please feel free to contact us if we can provide further information.

Sincerely,

A handwritten signature in black ink that reads "Laurel A. Mildred". The signature is written in a cursive, flowing style.

Laurel Mildred, MSW
For the California Collaborative
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