



December 10, 2018

United States Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

RE: DHS Docket No. USCIS-2010-0012-0001, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Secretary Neilsen,

I am writing on behalf of the South Asian Network (SAN) in response to the Department of Homeland Security's Notice of Proposed Rulemaking (NPRM) to express our strong opposition to the changes regarding "public charge," published in the Federal Register on October 10, 2018.

The proposed rule would dramatically expand the interpretation of public charge to include any individual who is likely to use more than a minimal amount of public assistance and expands the types of benefits that could be considered in the public charge determination to include programs that support basic human needs, including Medicaid and Supplemental Nutrition Assistance Program. If finalized as written, this rule would facilitate a vision of America that excludes from our country wide swaths of the population including immigrants with disabilities or health conditions and those who hold low-wage jobs or are just starting out on the path to financial stability. The rule would also have a disproportionately negative impact on women and people of color, preventing them from securing lawful immigration status and reuniting with their families.

SAN is a community-based, nonprofit organization that has provided direct services to the South Asian community in Southern California for nearly 30 years. Our services include assisting individuals and families with applying for public benefits, including Medicaid; providing naturalization assistance to legal permanent residents; and supporting survivors of domestic violence and sexual assault, including those impacted by human trafficking and child abuse. The majority of our clients are immigrants from low-income households with limited English proficiency. They are caregivers of parents, children, spouses, and grandchildren. They are hardworking Americans.

The South Asian American community represents one of the fastest growing immigrant populations in the United States. However, despite stereotypes of the population being affluent, large numbers of South Asian Americans live in or near poverty. In Southern California, approximately 10% of the approximately 300,000 South Asians live below the poverty line, 25% in LA County have limited English proficiency, and are majority foreign-born. They rely on public assistance to support their families, including family members, such as children, who are US citizens.

The low-income South Asian American community in Southern California is largely underserved and faces tremendous barriers related to language isolation, cultural and religious taboos, lack of transportation, limited financial capacity and little knowledge of how to access resources and navigate the legal system. Any rule that makes it even more difficult for our community members to apply for and access important benefits would only serve to compound the obstacles they already face on a daily basis, leading them to further isolation, financial despair, and increased mental anxiety.

Another reason we oppose the public charge rule is that its consequences will extend far beyond the target population and deter our community members from applying for assistance that is not included in the proposed public charge rule, such as the Affordable Care Act (ACA). No speculation is necessary; we have already seen the effect that the mere *rumor* of an expanded public charge rule has generated in our community, a rumor that stemmed from remarks President Trump made from the campaign trail. Since his inauguration, our community members have been living in fear that this rule would go into effect and have been taking action accordingly. For example, one of our clients expressed reluctance to apply for food assistance for her newborn baby who is a US Citizen. Next year, she will be eligible for a green card and fears any request for benefits will result in her deportation. This will put undue financial and emotional stress on the mother, and put the child's health at great risk.

In addition, older adults whom we serve have also expressed concerns about their ability to access health benefits, such as Medicare, and how it may negatively impact their ability to stay in the country. We have also seen how changes (and proposed changes) to the immigration laws over the past two years have deterred domestic violence survivors from filing charges against their perpetrators, receiving medical care, and separating from their abusers. There is no reason to believe that the change to the public charge rule will not have an equally adverse impact on the ability and willingness of domestic violence and sexual assault survivors from getting the help they desperately need. If the repercussions of a *threat* of action were so immediate, the consequences of the *actual* action will likely be catastrophic.

Last, but certainly not least, the expansion of the public charge rule will exacerbate the marginalization of immigrants in this country. Already, too many immigrants feel unwanted in America. The rise in hate crimes and xenophobia, particularly against Muslim Americans, has left many in our community wondering if, in fact, they belong in this country at all.

South Asian immigrant families, like other immigrants, are hard-working, tax-paying, and are integral to the fabric of this country. The Administration is asking immigrants to weigh their desire to become permanent residents of the United States *against* the very real need for physical and financial safety and well-being. This choice is a luxury that many immigrants cannot afford to make, nor should they. The ability to become a permanent resident or later naturalize to become a U.S. Citizen should not be based on socio-economic status. Yet, this rule would undoubtedly favor wealthier immigrants to those in low-wage jobs. Limiting one's ability to apply for permanent residency should not be determined by wealth – that is wholly un-American.

It is not hyperbole to say that the lives of many Americans will be put at great risk if this public charge rule goes into effect. As an organization that works closely with immigrant families, we encourage DHS to withdraw this harmful proposal.

Thank you for the opportunity to submit comments on the proposed rule. Please do not hesitate to contact me if you have any questions or need any further information.

Sincerely,

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