

Secretary Kristi Noem
Department of Homeland Security
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20746

December 19, 2025

Re: DHS Docket No. USCIS-2025-0304, U.S. Citizenship and Immigration Services

Dear Secretary Noem:

On behalf of the undersigned organizations, we write to express our grave concern about the proposal to change the inadmissibility on public charge grounds for families seeking legal immigration to the United States. While this rule is intended to impact immigrants, it will likely have significant negative impacts on children, many of whom are United States citizens and have the right to access to government services. We are deeply concerned that this proposal, as drafted, would deprive our nation's youngest citizens or legal residents of critical resources by creating fear that participating in certain programs could jeopardize their legal immigration status.

We strongly urge DHS to immediately withdraw the proposed rule, which would remove the current regulations on public charge without replacing them.

The proposed rule removes clarity of which benefits or programs can be considered in the public charge assessment and suggests that the Administration proposes to consider any receipt of any type of means-tested benefits received or applied for by noncitizens at any time and for any duration as relevant to the public charge determination. The proposal also removes key guardrails around whose benefits can be counted and whether support should be considered "primary" or supplemental. We are deeply concerned that all of these changes will create a chilling effect on participating in programs and lead to families opting out of programs critical to the health and well-being of our students.

Research from the impact of the 2019 Final Rule on Inadmissibility on Public Charge Grounds provides critical insight into how harmful this proposal is on children. A survey series conducted by the Urban Institute confirms that a chilling effect started before the 2019 rule was finalized and lasted even after it was withdrawn. One in five families surveyed said they avoided certain programs out of fear for immigration-related consequences. For low-income families with children who were surveyed it was 31.5%. Chilling effects were reported across a variety of forms of support, including programs not

specified in the rule such as WIC and free and reduced-price school mealsⁱ. More specifically, another study found that just the announcement of the 2019 proposed rule—before adoption—was associated with a decrease nationwide of approximately 260,000 in child Medicaid enrollment, of 149,000 in child SNAP enrollment, and 21,000 in child WIC enrollmentⁱⁱ.

Programs that provide critical medical, nutritional and housing support are foundational to ensuring a child can learn in the classroom. A child cannot learn to read or engage appropriately with their peers until the child is fed, in good health and well rested. Programs like Medicaid, Supplemental Nutrition Assistance Program (SNAP), Children's Health Insurance Program (CHIP) and the Housing Choice Voucher Program are critical stepping stones to ensuring that our nation's neediest children come to school ready to be students. These interventions, however, are not only beneficial for the individual student or family—they guarantee a positive learning environment for all students. Without their basic needs met, students are more likely to experience behavioral challenges and are not equipped to be productive, attentive students. Teachers then must spend more time managing behavioral and emotional issues, reducing instructional time for the entire class. Securing every student's ability to learn every day is essential to the promise of public education and creating a competitive future workforce.

Beyond the critical role these services play in supporting student health and readiness to learn, participation in programs such as SNAP and Medicaid also impacts district operations and finances. In every state, schools use SNAP participation to directly certify students for free school meals and in 39 states, schools also utilize Medicaid enrollment for the same purposes. Direct certification streamlines the School Breakfast Program and National School Lunch Program by automatically enrolling students, which drastically reduces the administrative burden on families and schools, saving time and money for districts. If SNAP and Medicaid enrollment decline because families are concerned about their immigration status, schools will be forced to revert to expensive and time-consuming paperwork to ensure students are getting the meals they need to learn and grow.

Direct certification is also an essential component of the Community Eligibility Provision (CEP), a program that allows schools to further reduce administrative burden and streamline school meal programs by offering healthy meals to all students at no cost to families. CEP eliminates individual family paperwork, unpaid meal debt and the need to count and document each meal served to determine what tier of reimbursement they qualify for. The program also alleviates the stress of food costs and meal planning for all of the families within the school community. However, direct certification data is key for schools participating in CEP. It is used for both determining eligibility and how much federal

funding each participating program receives. If direct certification declines as a result of this proposal, school districts may no longer be able to participate in CEP—taking away free meals for students, hurting hardworking families in their community and unnecessarily increasing the administrative burden on schools.

This proposed rule would negatively impact our nation's students and public schools by taking away essential resources for students. The future of our nation is in the students currently studying in our schools. We must maintain access to the essential services they need to reach their full potential and contribute meaningfully to society.

Thank you for the opportunity to weigh in, we look forward to working together with your office to improve this draft rule before it is released for public comment.

Sincerely,

AASA, The School Superintendents Association

AACTE (American Association of Colleges for Teacher Education)

AFT

Association of Educational Service Agencies

Association of Latino Administrators and Superintendents

Association of School Business Officials International (ASBO)

Council of Administrators of Special Education

EDGE Partners

National Association of Elementary School Principals

National Association of Secondary School Principals (NASSP)

NBJC

ⁱ Jennifer M. Haley, Genevieve M. Kenney, Hamutal Bernstein, and Dulce Gonzalez, *One in Five Adults in Immigrant Families with Children Reported Chilling Effects on Public Benefit Receipt in 2019*, Urban Institute, 2020. <https://www.urban.org/research/publication/one-five-adults-immigrant-families-children-reported-chilling-effects-public-benefit-receipt-2019>.

ⁱⁱ Jeremey Barofsky, Dinardo Rodriguez, and Anthony Barrows, "Spreading Fear: The Announcement of the Public Charge Rule Reduced Enrollment In Child Safety-Net Programs." *Health Affairs*, October 2020. <https://doi.org/10.1377/hlthaff.2020.00763>.