

April 18, 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, D.C. 20529

Dear Ms. Deshommès,

On behalf of AASA, The School Superintendents Association, representing more than 13,000 public school system leaders across the country, I write to express our grave concern about the draft proposal to change the inadmissibility on public charge grounds for families seeking legal immigration to the United States. While the rule impacts alien immigrants, it would have deep negative impacts on their children, many of whom are United States citizens and have the right to access to government services. The provision of services to children is the bedrock of our nation's social service net, and this proposal would harm the children of aliens attempting to maintain legal immigration status. We are deeply concerned that this proposal, as drafted, would knowingly inflict explicit consequences on our nation's youngest citizens or legal residents.

The proposal is dangerous in both what it states and what is left unsaid. The inclusion of the Supplemental Nutrition Assistance Program (SNAP) and the Children's Health Insurance Program (CHIP) directly impact the health and wellness of children in schools throughout the nation. School superintendents know that a child cannot learn if they are not nourished or healthy. The adults that this policy proposal impacts are often parents and caretakers for children, the elderly, and people with disabilities. Specific to our concern, when these parents anticipate that enrolling in these programs could jeopardize their legal immigration status, they choose not to enroll. It is in your right to deny them these benefits, but when the consequence extends to their children, who are legal US citizens or had no say in their immigration status, those children are denied access to life-saving services our country should be proud to provide. Nearly half (44 percent) of SNAP recipients are children<sup>1</sup>. CHIP ensures that vulnerable children have access to necessary medical treatment they may not otherwise be able to access.

This second draft of the proposed public charge changes is also worrisome in what is not spelled out. Previous drafts and iterations of this rule have explicitly stated that school lunch and breakfast programs may not be used to determine a family's status. This draft does not contain that statement. Instead, it features broad language that will lead to confusion and fear among an already vulnerable population. By including any benefit "intended to help the individual meet basic living requirements such as housing, food, utilities, or medical care," this rule will create confusion and fear among families who would otherwise enroll their children in school lunch and breakfast programs. When families fail to enroll in the programs for which they qualify because they fear retribution, and children go hungry or uninsured

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<sup>1</sup> <https://www.cbpp.org/sites/default/files/atoms/files/3-2-17fa2.pdf>

as a result, that is unacceptable. And in this instance, it means that federal policy knowingly punishes children—many of whom are US citizens—for something over which they have no control. When these children go without access to these programs, they are less likely to be productive, attentive students, and schools and all students in those classrooms will suffer. You cannot teach the student until the child is fed, until the child can hear, until the child is ready to be a student. SNAP and CHIP are critical stepping stones to helping ensure that our nation’s neediest children come to school ready to be students.

The future of our nation is in the students currently studying in our schools. We need to ensure they have the nutrition and health care they need to be ready to learn and be productive members of the United States.

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

Sincerely,

Leslie Finnan

A handwritten signature in black ink that reads "Leslie Finnan". The signature is written in a cursive style with a large, stylized "L" and "F".

Senior Legislative Analyst