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U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

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

To Whom It May Concern:

I am writing on behalf of the National Association for the Education of Young Children (NAEYC) to express our organization's strong opposition to the Department of Homeland Security's Notice of Proposed Rulemaking (NPRM) on inadmissibility on public charge grounds. The proposed rule runs counter to the fundamental values of our nation as a land of opportunity and would cause major harm to the health and well-being of young children in immigrant families.

One in four children under the age of eight residing in the United States live in a family with an immigrant parent (and nine in ten of those children are U.S. citizens). This proposal is likely to make immigrants and their family members afraid to access essential supports that help them to be safe and healthy, with significant and negative consequences for all of our communities. Since one of our goals as an organization is to advance policies that strengthen the ability for our children, families, and communities to thrive, **we urge that this proposed rule – which would punish parents and harm children – be withdrawn in its entirety.**

NAEYC is a 90+ year old non-profit organization comprised of 60,000 members and 52 Affiliates across the country, committed to a vision in which all young children thrive and learn in a society dedicated to ensuring they reach their full potential. As part of our focus on promoting high-quality early learning, we fully understand how critical it is for children and their parents to have access to safe and secure housing, healthy meals, and adequate medical services as part of a foundation that sets the stage for them to benefit from high quality early childhood experiences.

The proposed rule would dramatically alter the decades-old "public charge" test with harmful consequences for young children and their parents. The rule proposes to change the definition of who may be deemed a public charge and, as a result, denied entrance to the United States or lawful permanent residency. Under the proposal, the Department of Homeland Security would consider an applicant's use of benefits beyond the existing standards of cash assistance and long-term institutional care to include Medicaid, the Supplemental Nutrition Assistance Program (SNAP), housing assistance, and Medicare Part D subsidies. This would likely lead individuals—including parents of US citizen

children—to withdraw or disenroll from benefit programs that support their families’ health, wellbeing, and financial security. The proposal would also add specific standards for income, health, English language proficiency, and other factors, making it even harder for low-income immigrant parents to obtain long-term stability for their families. While only the use of benefits by an individual would be considered under the proposed rule—and not their dependents—there is simply no way to implement this rule without direct harm to children, including US citizen children, not least because parents’ own wellbeing is an important determinant of children’s health and development.ⁱ

The consequences of parents forgoing basic needs programs for themselves—and/or their children—would be deeply damaging for children. The proposed rule would dramatically weaken the economic status of millions of families and put the health and nutrition of millions of children and adults at risk. Parents’ stress and health challenges— which can be caused by unstable housing, not having enough to eat, poor health, or financial insecurity— not only cause harm in their own lives, but also impede positive and protective caregiving, thereby undermining children’s healthy development.ⁱⁱ

Critical public benefit programs—such as Medicaid, SNAP and housing assistance—contribute to the healthy development of young children. Early childhood is a formative period of development, and children need access to enough healthy foods, safe and stable housing, and adequate health care to grow up healthy and strong.ⁱⁱⁱ Decades of research show the positive impact of public benefits—including, in particular, Medicaid, and SNAP—on children’s long-term health and their economic security.^{iv} Nutrition assistance directly targeted at young children and pregnant women, for example, is effective in improving child health. Reduced access to these public benefit programs would lead directly to adverse health outcomes for children.

In addition to the directly affected families, however, NAEYC is deeply concerned about the “chilling effect” this proposal will have by driving families away from supports for which they are income-eligible, and the short and long-term consequences of that effect. It is likely that the proposed changes will lead to significant decreases in participation in Medicaid and other programs, including those not explicitly named in the proposal. If families are afraid to access supports that children need, including nutrition assistance, they will experience more illnesses, miss learning opportunities, and fall behind their peers. It is likely that fewer children will receive the early diagnosis and treatment they need to address developmental or other delays; as individuals, school districts, and communities, we will all be impacted by those gaps and missed opportunities.

We know these impacts are likely because we are already seeing them happen. Rumors of the rule – and the fear those rumors have caused – have been enough to lead families to withdraw from benefits that are helping to ensure their children have a roof over their head and food on the table. Health and nutrition service providers reported an increase in canceled appointments and requests to disenroll from means-tested programs in 2017.^v Within our own network of educators and partners around the country, we have heard reports of drops in attendance and applications to participate in early childhood programs, as well as reduced participation from immigrant parents in classrooms and at events.^{vi} These impacts reach beyond anecdote, however. Data demonstrates that an estimated 26 million people may potentially disenroll or refuse public benefits because of this proposed rule, affecting 9.2 million children in immigrant households; this represents approximately 13% of our nation’s child population.^{vii}

The proposed rule would have adverse impacts on the early childhood workforce. As a critical part of our mission, NAEYC works to advance a diverse, dynamic early childhood profession and support all who care for, educate, and work on behalf of young children. Nationally, immigrants comprise approximately 18 percent of the early childhood workforce; in 6 states, immigrants make up 25-40 percent.^{viii} In addition, because early childhood educators are not compensated in accordance with the high complexity and value of their work, 46 percent earn so little that they live in families accessing public benefits. With a crisis of availability and affordability in child care and early learning, our nation can ill afford to exacerbate the challenges for parents and educators alike. This proposed rule would drive a substantial portion of the early childhood education profession away from being able to care for themselves and address their needs, which would have a negative impact on their own lives, as well as the lives of the parents who depend on them so they can go to work, and the children who they educate, care for, and nurture each day.

Response to Administration's request for comments on the Children's Health Insurance Program.

We strongly oppose the proposed rule and request that it be withdrawn in its entirety. The proposal to expand the public programs to be considered in a public charge test is deeply misguided; in response to the questions posed to the public, no additional programs should be considered in the public charge determination as that would only increase harm to children, families and communities. For many of the same reasons that we oppose the inclusion of Medicaid, we adamantly oppose the inclusion of CHIP, which would exacerbate the problems with this rule by extending its reach further. Including CHIP in a public charge determination would likely lead to many eligible children foregoing health care benefits, both because of the direct inclusion in the public charge determination as well as the chilling effect detailed elsewhere in these comments.

The proposed rule would increase poverty, hunger, and illness with profound negative outcomes for children during childhood and into adulthood.^{ix} For this reason, and those illuminated above, we urge you to withdraw this harmful rule in its entirety. Thank you for your consideration of these comments.

Sincerely,



Rhian Evans Allvin
CEO, National Association for the Education of Young Children

ⁱ National Scientific Council on the Developing Child, *Young Children Develop in an Environment of Relationships: Working Paper No. 1*, 2009, <http://developingchild.harvard.edu/wp-content/uploads/2004/04/Young-Children-Develop-in-an-Environment-of-Relationships.pdf>.

ⁱⁱ Megan Sandel, Richard Sheward, Stephanie Ettinger de Cuba, et al., "Unstable Housing and Caregiver and Child Health in Renter Families," *Pediatrics* 141 (2018); Katie K. Tseng, Su Hyun Park, Jenni A. Shearston, et al., "Parental Psychological Distress and Family Food Insecurity: Sad Dads in Hungry Homes," *Journal of Developmental and Behavioral*; Caroline Ratcliffe, Signe-Mary McKernan, *Child Poverty and Its Lasting Consequence*, Urban Institute, 2012, <http://www.urban.org/UploadedPDF/412659-Child-Poverty-sand-ItsLasting-Consequence-Paper.pdf>.

ⁱⁱⁱ Jack P. Shonkoff and Deborah A. Phillips, eds., *From Neurons to Neighborhoods: The Science of Early Childhood Development*, National Research Council and Institute of Medicine, 2000.

^{iv} Maya Rossin-Slater, "Promoting Health in Early Childhood" *Future of Children* 25 (2015); Hilary Hoynes, Diane Whitmore Schazzenbach, Douglas Almond, "Long-Run Impacts of Childhood Access to the Safety Net," *American Economic Review* 106

(2016); David Murphey, Health Insurance Coverage Improves Child Well-Being, Urban Institute, 2017, <https://www.childtrends.org/publications/health-insurance-coverage-improves-child-well>.

^v Jennifer Laird et al, Forgoing Food Assistance Out of Fear Changes to “Public Charge” Rule May Put 500,000 More U.S. Citizen Children at Risk of Moving into Poverty,” Columbia Population Research Center, 2018, https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5af1a2b28a922db742154bbe/1525785266892/Poverty+and+Social+Policy+Brief_2_2.pdf.

^{vi} Hannah Matthews et al, *Immigration Policy’s Harmful Impacts on Early Care and Education*, The Center for Law and Social Policy, 2018, https://www.clasp.org/sites/default/files/publications/2018/03/2018_harmfulimpactsece.pdf.

^{vii} 2012-2016 5-Year American Community Survey Public Use Microdata Sample (ACS/PUMS); 2012-2016 5-Year American Community Survey (ACS) estimates accessed via American FactFinder; Missouri Census Data Center (MCDC) MABLE PUMA-County Crosswalk. Custom Tabulation by Manatt health, 9/30/2018. Found online at:

<https://www.manatt.com/Insights/Articles/2018/Public-Charge-Rule-Potentially-Chilled-Population>.

^{viii} Park, Maki, Margie McHugh, Jie Zong, and Jeanne Batalova. 2015. *Immigrant and Refugee Workers in the Early Childhood Field: Taking a Closer Look*. Washington, DC: Migration Policy Institute.

^{ix} American Psychological Association, *Effects of Poverty, Hunger and Homelessness on Children and Youth*, 2018, <https://www.apa.org/pi/families/poverty.aspx>; Caroline Ratcliffe, Signe-Mary McKernan, Child Poverty and Its Lasting Consequence, Urban Institute, 2012, <http://www.urban.org/UploadedPDF/412659-Child-Poverty-and-Its-Lasting-Consequence-Paper.pdf>; Greg J. Duncan, Katherine Magnuson, *The Long Reach of Early Childhood Poverty*; Robert D. Putnam, *Our Kids: The American Dream in Crisis*, New York, New York, 2015.