



November, 27, 2018

Submitted via www.regulations.gov

Samantha Deshombres
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security (DHS)
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 Ms. Deshombres:

On behalf of the Southeast Asia Resource Action Center (SEARAC), we offer comments in response to the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking (NPRM) to express our strong opposition to the changes regarding "public charge" determination, as published in the Federal Register on October 10, 2018. **We strongly urge DHS to withdraw its current proposal, as it will greatly discourage low-income immigrant communities from accessing a wide array of critical government programs related to health coverage, anti-hunger and anti-poverty benefits, and a number of other essential services.**

Southeast Asian Americans (SEAA) make up the largest refugee community ever to resettle in the United States, relocating to this country due to the US-backed war in their homeland. As survivors of war, genocide, and intergenerational trauma, SEAs relied on government services upon initial resettlement to help them live and thrive in this country. Today, SEAs total nearly 2.7 million across the nation¹ and are active community members contributing to the fabric of our society. The majority of our community members have resided here for decades and now call America home; many have become naturalized US citizens and lawful permanent residents who are able to sponsor their families to reunite with them.

In 2016, 87% of immigrants from Cambodia, 96% from Laos, and 97% from Vietnam

¹ American Community Survey (ACS) - U.S. Census Bureau, 2013 3-year estimates

who received a green card were able to do so due to a family-based visa petition.² While refugees are exempt from public charge determination, **low-income SEAs arriving here through family visas will likely be the most vulnerable to this proposed rule.** It is critical to protect the ability of these families to access government programs without fear of immigration consequences. These temporary programs are crucial in keeping children and elders in low-income families healthy and in helping lift families out of poverty.

To date, SEAA communities experience poverty at high rates, with 11% of Lao families, 13% of Vietnamese families, 14.9% of Cambodian families, and 16.3% of Hmong families still living below the poverty line.³ As such, SEAs rely heavily on programs like SNAP and Medicaid. According to the 2017 American Community Survey, 11% of Vietnamese, 14.3% of Lao, 17.7% of Cambodian, and 24% of Hmong community members rely on SNAP, while 31.3% of Lao, 31.6% of Vietnamese, 36.2% of Cambodian, and 41.3% of Hmong individuals depend on Medicaid to survive.⁴

Forcing these families to choose between their health and protecting their immigration status is completely unjust and inhumane. The implementation of this proposed rule will surely drive up poverty, hunger, unmet health care needs, and worsen a range of other problems facing many low-income communities of color across the United States.

Additionally, it would mark a fundamental change from our nation's historic commitment to welcoming immigrants and refugees by radically reshaping our legal immigration system—redefining who is ‘worthy’ of being an American and what we look like as a country. For instance, the current proposed rule indicates a preference for immigrants who speak English. This would greatly disadvantage many SEAA community members. According to the 2017 census, 35.4% of Cambodians, 32.1% of Hmong, 32.9% of Lao, and 45.1% of Vietnamese immigrants speak English less than “very well”⁵. This proposed rule would drastically change our nation’s history as a country that serves as a beacon of hope for the world’s dreamers and strivers. Instead, America’s doors would be open only to the highest bidder.

America’s humanitarian legacy is tarnished by this shameful proposed rule. Immigrant communities should not have to choose between living and thriving in this country. For the reasons discussed above, we strongly urge DHS to withdraw its proposal to expand public charge determinations that will threaten the ability of immigrants to access critical government programs.

² Department of Homeland Security, “Table 10: Persons Obtaining Lawful Permanent Resident Status by Broad Class of Admission and Region and Country of Birth: Fiscal year 2016”:

<https://www.dhs.gov/immigration-statistics/yearbook/2016/table10>

³ American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

⁴ American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

⁵ American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

Sincerely,

A handwritten signature in blue ink that reads "Quyen Dinh". The signature is written in a cursive, flowing style with a large initial 'Q'.

Quyen Dinh
Executive Director
SEARAC