



CITY OF PHILADELPHIA

JAMES F. KENNEY
Mayor

Office of the Mayor
215 City Hall
Philadelphia, PA 19107
(215) 686-2181
FAX (215) 686-2180

December 10, 2018

Submitted via www.regulations.gov

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

Dear Sir/Madam:

As the Mayor of the City of Philadelphia, I am writing in response to the Department of Homeland Security's Notice of Proposed Rulemaking to express my strong opposition to the changes regarding "public charge," published in the Federal Register on October 10, 2018. This proposed rule would reverse policy that is fundamental to the identity of our country, and our city, as a place where immigrants can come with just a few dollars in their pocket, work hard and build a better life for themselves and contribute to their new communities. This proposed policy extinguishes that tradition. It will endanger the health and wellbeing of tens of thousands of Philadelphians, and it will harm our city's economy.

Since its inception, Philadelphia, the City of Brotherly Love, has been a welcoming and inclusive city. As a city of immigrants, we celebrate diversity and believe all residents should have the opportunity to achieve the American dream. Throughout history many immigrants have come to the United States with little means and our government has found a way to balance the commitment to welcoming immigrants with the need to protect the federal budget. This proposed policy destroys that tradition and will result in confusion, fear and hardship among Philadelphians who are immigrants.

For decades the government has interpreted the "public charge" provision of federal law—which has been with us for over a hundred years—using a simple test: an individual may be determined

a public charge if he is primarily dependent on public assistance. As the rule itself recognizes (page 51164) this test is relatively simple and easy to administer—which is why our tax system uses a similar test when defining who can claim a dependent on their tax return.

This proposed rule changes the definition and scope of the traditional “public charge” test to a very broad, highly complex and confusing test that would expand the number immigrants in Philadelphia who may be affected by the test by *more than 16-fold*.ⁱ Under this massive expansion of the test, any immigrant whose income is below 250% of the federal poverty guidelines is subject to scrutiny. That means that even immigrant families with income well above the median income in Philadelphia would be at risk: 250% of poverty for a family of four is about \$62,000; median household income in Philadelphia is about \$40,000. The test would also now involve a complicated calculation applying to “monetizable” and “non monetizable” benefits received, calculated as a percentage of the federal poverty level, totaled over a number of months. This calculus appears designed to create confusion and fear and drive individuals away from seeking the assistance they need.

Under the new proposal, tens of thousands of individuals may be expected to avoid enrolling in benefits, or disenroll from benefits because of concerns about the test. As the preamble to the rule recognizes, history has shown that when benefits rules change many of those who disenroll do so out of confusion. Almost 80,000 of the individuals in Philadelphia households with an immigrant are children.ⁱⁱ About 37,000 children are in immigrant families who are currently receiving benefits, almost 90 percent of those children are citizens.ⁱⁱⁱ This rule will cause thousands of people, many of them children, to forgo food and medical care that they are eligible for under federal law.

The rule states (page 51277) that “DHS cannot estimate with any degree of certainty to what extent the potential for increased findings of inadmissibility on public charge grounds would result in fewer individuals being admitted to the United States”. But by the Department’s own admission, the rule has the potential to produce (page 51270):

“Worse health outcomes, including increased prevalence of obesity and malnutrition, especially for pregnant or breastfeeding women, infants, or children, and reduced prescription adherence; Increased use of emergency rooms and emergent care as a method of primary health care due to delayed treatment; Increased prevalence of communicable diseases, including among members of the U.S. citizen population who are not vaccinated; Increases in uncompensated care in which a treatment or service is not paid for by an insurer or patient; and Increased rates of poverty and housing instability; and Reduced productivity and educational attainment.”

We have attempted to evaluate the harmful impacts contemplated by the rule, as they would be felt in Philadelphia. We believe that the rule will create hunger and food insecurity, unmet health care needs, poverty and homelessness in our city. We estimate that as many as 14,000 Philadelphians could disenroll from SNAP.^{iv} Every disenrollment results in a loss of \$1,500 in annual food spending in the Philadelphia economy.^v The dollars not spent at Philadelphia grocery stores would have effects on employment beyond immigrant families. Without the ability to feed their families, we could expect that children would go hungry and more families

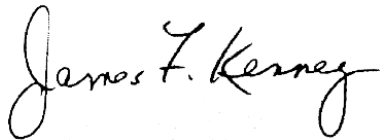
may need help from the child welfare system or homeless systems, which would result in increased federal, state and local costs.

Similarly, as many as 26,000 Philadelphians may disenroll from Medicaid which would impact their short and long-term health and our local Philadelphia economy.^{vi} A recent analysis estimated that the proposed rule could result in hospitals in our region losing \$232 million in annual revenue.^{vii} The City operates eight community health centers throughout Philadelphia that provide care to 90,000 residents each year. An increase in the uninsured rate among immigrants will increase costs for the city and could have health impacts across all Philadelphians—such as increasing the spread of infectious disease.

In recent years, immigrants have been critical to driving Philadelphia's growth and success. Between 2000 and 2016, a period in which the city's population grew for the first time in half a century, the number of residents who were born abroad increased by 69 percent.^{viii} Immigrants represent nearly 15 percent of all city residents and 19 percent of workers.^{ix} Expert analysis of the impacts of the rule projects that almost 70 percent of current green card holders would have at least one negative factor if reviewed under the proposed test.^x This rule would clearly endanger the growth of Philadelphia's economy.

This draconian rule would inhumanely force families of mixed immigration statuses to decide between meeting basic needs and jeopardizing their ability to stay together in the same country. It undermines our identity as a nation. It instills fear in the lives of immigrant families who are contributing members of our community and unfairly penalizes them for accessing basic needs. It will harm Philadelphia's economy and endanger the well-being of our city at large. I urge you to withdraw this proposal.

Sincerely,

A handwritten signature in black ink that reads "James F. Kenney". The signature is written in a cursive, flowing style.

Jim Kenney, Mayor
City of Philadelphia

ⁱ PA Department of Human Services data, 10/09/2018. Philadelphians are 33.77% of the Pennsylvanians eligible for TANF and SSI, combined, in September 2018. There are 21,501 Pennsylvanians living in immigrant families receiving a cash assistance benefit. Multiple both these numbers to yield 7,260, the number of individuals that are subject to the proposed public charge test in Philadelphia. Per “Public Charge Proposed Rule: Potentially Chilled Population Data Dashboard”, Manatt. Accessed December 7, 2018. <https://www.manatt.com/Insights/Articles/2018/Public-Charge-Rule-Potentially-Chilled-Population>) there are 121,611 total non-citizens and families in Philadelphia. Divide this number by 7,260, the number of Philadelphians subject to the proposed public charge test.

ⁱⁱ “Philadelphia’s Immigrants: Who They Are and How They Are Changing the City,” *The PEW Charitable Trusts*, June 2018, page 13, https://www.pewtrusts.org/-/media/assets/2018/06/pri_philadelphias_immigrants.pdf

ⁱⁱⁱ Per Migration Policy Institute, MPI National and State-Level Estimates of Children in Benefits-Receiving Families, by U.S. Citizenship Status of the Child, 2018, available at <http://www.migrationpolicy.org/sites/default/files/datahub/PublicChargeStateEstimates-Children.xlsx>, 167,000 children in Pennsylvania live in immigrant families who are receiving benefits. Philadelphians are 23.21% of Pennsylvanians eligible for Medicaid in September 2018 (PA Department of Health and Human Services, 10/09/2018. Multiple these two numbers to yield 38,760, the number of children in Philadelphia living in a household (receiving benefits) with a non-citizen.

^{iv} PA Department of Human Services data, 11/14/2018. Philadelphians are 26.32% of Pennsylvanians eligible for SNAP in September 2018. There were 156,567 total SNAP cases that included at least one-noncitizen. 26.32% of 156,567 yields 41,209.42, the number of Philadelphians in HHS cases that include at least one non-citizen. Assume that 35% (see <https://www.kff.org/disparities-policy/issue-brief/potential-effects-of-public-charge-changes-on-health-coverage-for-citizen-children/>) of those Philadelphians will disenroll, yielding 14,423 cases of SNAP disenrollment.

^v <https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>

^{vi} PA Department of Human Services data, 11/14/2018. Philadelphians are 23.21% of Pennsylvanians eligible for Medicaid in September 2018. There were 325,104 total Medical Assistance cases that included at least one-noncitizen. 23.21% of 325,104 yields 75,471.76, the number of Philadelphians in HHS cases that include at least one non-citizen. Assume that 35% of those Philadelphians will disenroll, yielding 26,415 cases of Medicaid disenrollment.

^{vii} Mann, *Cindy*, et al. “Exhibit 7. Medicaid and CHIP Hospital Payments Subject to Chilling Effect, by Area.” *Medicaid Payments at Risk for Hospitals Under the Public Charge Proposed Rule*: Manatt, 2018.

^{viii} <https://www.pewtrusts.org/en/research-and-analysis/reports/2018/06/07/philadelphias-immigrants>

^{ix} Ibid

^x <https://www.migrationpolicy.org/research/impact-dhs-public-charge-rule-immigration>