May 7, 2018

The Honorable Kirstjen M. Nielsen  
Secretary  
Department of Homeland Security  
300 7th Street, SW  
Washington, D.C. 20024

The Honorable Mick Mulvaney  
Director  
Office of Management and Budget  
725 17th Street, NW  
Washington, D.C. 20503

Dear Secretary Nielsen and Director Mulvaney,

As Members of Congress, we write to express our collective concern regarding the draft rule from the Department of Homeland Security that would allow immigration officers to weigh the use of public benefits by immigrants and their family members in the determination of applications for visas or green cards. Such a rule would essentially force families, including those with U.S. citizen children, to choose between getting the help they need to prosper – from crucial programs that provide medical care, food assistance, housing assistance, and early childhood education – and reuniting with those they love. These are not the ideals of our country, and we urge the Department to reconsider this ill-advised proposal.

The proposal of such rule is a back-door attempt to circumvent Congress and unilaterally restrict family reunification. Expanding the definition of “public charge” under this rule would in essence create a new authority to bar immigrants from obtaining legal entry or permanent resident status in the country by virtue of caring for their family through the use of social services that they are legally entitled to use while under their current status. This proposed rule is not about preventing immigrants from taking advantage of benefits to which they do not have legal access – current law already prevents the vast majority of immigrants from accessing most Federal means-tested public benefits. It is about leveraging public health and education to deny immigration benefits and keep families apart. This clearly presents a conflict in which immigrant parents, for example, may hesitate to take their U.S. citizen children to the doctor because it would be counted against them in their immigration case. It is unconscionable to think that the U.S. government would jeopardize the health and wellbeing of American children and our nation in order to restrict legal immigration.
The work of government is to support our communities and allow them to thrive. Restricting access to vital services for many families not only harms the restricted families, but also the communities in which they belong. This rule would force families to choose between putting food on the table for their children and being granted legal status. In doing so, the government would be putting families at risk for simply feeding their kids, directly harming American children and damaging the communities in which they live. We urge the Department to reconsider this rule as it is harmful to America and its people.

We look forward to your timely response.

Sincerely,

Adriano Espaillat  
Member of Congress

Zoe Lofgren  
Member of Congress

Raúl M. Grijalva  
Member of Congress

Michelle Lujan Grisham  
Member of Congress

Judy Chu  
Member of Congress

Cedric L. Richmond  
Member of Congress

Yvette D. Clarke  
Member of Congress

Luis V. Gutiérrez  
Member of Congress

Jerrold Nadler  
Member of Congress
Elijah E. Cummings  
Member of Congress

Henry C. "Hank" Johnson, Jr.  
Member of Congress

John A. Yarmuth  
Member of Congress

Jan Schakowsky  
Member of Congress

Jimmy Gomez  
Member of Congress

André Carson  
Member of Congress

Anthony G. Brown  
Member of Congress

Bonnie Watson Coleman  
Member of Congress

Brenda L. Lawrence  
Member of Congress

Grace Meng  
Member of Congress

Rick Larsen  
Member of Congress

Ruben J. Kihuen  
Member of Congress
Jamie Raskin  
Member of Congress

Frederica S. Wilson  
Member of Congress

Eddie Bernice Johnson  
Member of Congress

David N. Cicilline  
Member of Congress

Donald Norcross  
Member of Congress

Chellie Pingree  
Member of Congress

Doris Matsui  
Member of Congress

Jared Huffman  
Member of Congress

Mike Quigley  
Member of Congress

Susan A. Davis  
Member of Congress

Eliot L. Engel  
Member of Congress

Brad Sherman  
Member of Congress
William R. Keating
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Mike Thompson
Member of Congress

Jerry McNerney
Member of Congress