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May 30, 2017

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

RE: Request for Comments: Agency Information Collection Activities DHS Docket No. USCIS-2009-0020

To Whom It May Concern:

The Baltimore City Mayor's Office of Immigrant and Multicultural Affairs submits the following in response to the Department of Homeland Security's ("DHS") request for comment on the proposed revision of the Application to Register Permanent Residence or Adjust Status, Form I-485.

With nearly 51,000 foreign-born Baltimore City residents, immigrants are vital to the strength and growth of our economy. Across Baltimore, immigrants educate our children, serve our communities, and boost our economy. In the last decade, we have witnessed a 70% increase of immigrants choosing Baltimore as a place to live, bringing with them profound and positive influences to our city.

Therefore, the City has a keen interest in ensuring that immigrants in our community are able to live safe and healthy lives, and, in pursuit of these ends, that they are able to access the services they need in order to flourish. In addition, recognizing that obtaining immigration status helps communities maintain economic stability, we also have a strong interest in supporting programs and policies that help immigrant residents of Baltimore City apply for immigration benefits for which they are eligible.

We take this opportunity to offer our perspective on the "public charge" grounds of inadmissibility, as it relates to the proposed changes to Form I-485. In determining inadmissibility, USCIS defines "public charge" as an individual who is likely to become

"primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense."[1] We support this narrow approach to evaluating public charge because it provides clarity and does not inhibit our residents from accessing other crucially needed services and resources that promote the health and safety of our communities, such as health services, domestic violence services, and emergency food and shelter.

We believe that any approach that would have the effect of broadening the definition of public charge further would negatively impact immigrants' access to important services and resources. It is in Baltimore City's best interest that inadmissibility on public charge grounds continue to be evaluated in a narrow and specific way.

An overly broad inquiry into "public charge" may deter applicants or potential applicants from receiving crucial services needed to maintain healthy and safe communities. Programs and services like public education, public hospitals and vaccinations, domestic violence services, emergency food and shelter, Supplemental Nutritional Assistance Program (SNAP), and Medicaid play a crucial role in ensuring that individuals are able to live and thrive to the greatest possible extent and to ultimately feel like an integral part of our community. Broadly tying any utilization of these public services to the likelihood of successfully adjusting to lawful permanent resident status may create a chilling effect on immigrants' use of these programs, which could impact the health, safety, and well-being of our residents in general. These harms might also extend to many immigrants with legal status and U.S.-born citizens whose immigrant family members who may become afraid to seek help for their basic needs. In short, a decline in the willingness and ability of foreign-born populations to access public services and resources, including various public assistance programs, could have significantly negative impacts on the public health and overall economic security of our City.

In light of these interests, we express strong concern about a broad examination of "public charge" for adjustment applicants, and, by extension, DHS's current proposed changes to questions 61 and 62 on Form I-485. DHS proposes to ask applicants for adjustment of status to provide their entire history and likelihood of receiving public assistance from any source.[2] We urge DHS to revise questions 61 and 62 to use more specific language that reflects its definition of "public charge." Questions 61 and 62 should only inquire about an individual's history or likelihood to receive cash assistance or to be institutionalized for long-term care.

Revising questions 61 and 62 to be more specific and clear will also help immigrants and their representatives prepare their adjustment applications and facilitate efficient determinations by U.S. Citizenship and Immigration Services (USCIS). A narrower question would help applying immigrants and their advocates provide the precise documentation that USCIS needs to make

[1] See "Field Guidance on Deportability and Inadmissibility on Public Charge Grounds," 64 FR 28689 (May 26, 1999). In determining whether an alien meets this definition for public charge inadmissibility, a number of factors are considered, including age, health, family status, assets, resources, financial status, education, and skills. No single factor, other than the lack of an affidavit of support, if required, will determine whether an individual is a public charge. 8 USC 1182(a)(4); 8 CFR 245a.3.

[2] DHS' currently proposed language on question 61 asks, "Have you received public assistance in the United States from any source, including the U.S. Government or any state, county, city, or municipality (other than emergency medical treatment)?"

determinations relevant to public charge determinations, and move the application through the adjudication process.

We appreciate the opportunity to comment on this highly important topic and we look forward to a continuing dialogue with DHS on these and many other issues.

Sincerely,

Catalina Rodríguez Lima
Director
Mayor's Office of Immigrant and Multicultural Affairs