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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 New York Immigration Coalition 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.

The NYIC is an umbrella organization representing more than 150 groups throughout New York State. We are a leading advocate for immigrant communities at the local, state, and national levels and serve one of the largest and most diverse newcomer populations in the United States. Our multi-ethnic, multi-racial, and multi-sector membership base includes grassroots community organizations, nonprofit health and human services organizations, religious and academic institutions, labor unions, and legal, social, and economic justice organizations. No other organization in New York State brings together such a diverse network of organizations that work with immigrant communities. With more than 30 years of experience, the NYIC understands the challenges and barriers that immigrant families confront in their efforts to participate fully in and contribute to our nation's communities.

We ask that you consider the NYIC's following comments:

Questions 61 and 62 of Part 8 of the I-485 Form

A person residing in the United States seeking to adjust to permanent resident status or register for permanent residence must file Form I-485 with the U.S. Citizenship and Immigration Services (USCIS). The proposed form contains questions in Part 8 related to Public Charge that are confusing and inconsistent with existing USCIS policy.

The questions are listed here:

61. *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)? [Y/N]*
62. *Are you likely to receive public assistance in the future? [Y/N]*

These questions are in the section titled “General Eligibility and Inadmissibility Grounds” and should therefore conform with the agency’s longstanding guidance on public charge, which states that only cash assistance and institutionalized long-term care are the only benefits that should be considered in public charge determinations. This is significantly more restrictive than the broad framing of the proposed changes to Questions 61 and 62.

The questions, as proposed, perpetuate a longstanding misunderstanding and concern among immigrants that receiving any and all public benefits will undermine their ability to adjust their status or will otherwise put them at risk, because they will be considered a “public charge.” This, in turn, has a chilling effect on immigrants’ willingness to apply for critical benefits for themselves or their children.

The proposed changes to these questions, as they are currently written, are a regressive step that would contribute to the perpetuation of misunderstanding and possible misapplication of public charge law. Further, they will increase fear among immigrant families who will be less likely to apply for critical benefits for which they or their family members—including citizen children—might be eligible. The consequences of this, including failure of eligible individuals to enroll in programs that contribute to life-saving medical care and nutrition assistance, cannot be understated.

The NYIC maintains a strong interest in encouraging our member organizations and community members to continue to avail themselves of public assistance and benefits. 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 immigrants across New York and the entire United States.

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. We urge DHS to phrase questions 61 and 62 to use more specific language that reflects its own 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 help immigrants and their

representatives prepare their adjustment applications and facilitate efficient determinations by USCIS.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Choi', with a stylized flourish at the end.

Steven Choi, Esq.
Executive Director