



October 29, 2012

United States Citizenship and Immigration Service
Department of Homeland Security
e-Docket ID number USCIS-2009-0020
OMB Control Number 1615-0023

USCISFRComment@dhs.gov

USCIS Desk Officer
Office of Management and Budget
e-Docket ID number USCIS-2009-0020
OMB Control Number 1615-0023
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Re: Comments on U.S. Citizenship and Immigration Services, OMB Control Number 1615-0023,
Agency Information Collection Activities: Application To Register Permanent Residence or Adjust
Status, Form I-485 and Supplements A, C, and E, Revision of a Currently Approved Collection

Dear Sir or Madam:

Georgetown University's Center for Children and Families (CCF) is an independent, nonpartisan policy and research center whose mission is to expand and improve health coverage for America's children and families. Central to our work is providing research and policy assistance to federal and state policymakers and other interested parties on strategies for covering children and their families particularly those with low and moderate incomes. We do considerable analysis and research to improve Medicaid and the Children's Health Insurance Program (CHIP), particularly around streamlining enrollment and renewal systems.

We appreciate the opportunity to comment on the federal notice concerning Form I-485, the Application to Register Permanent Residence or Adjust Status, published in 77 Fed. Reg. 5940910 (Sept. 27, 2012). In order to ensure that the unique health needs of America's children living in immigrant families are addressed, especially as the Affordable Care Act ("health reform") continues to be implemented, CCF urges USCIS to both revise and relocate the "public charge" question (specifically Question C2 of Part 3) contained in Form I-485, As written, the wording of the question is overly broad and inappropriately located. Question C2:

- Fails to distinguish between cash benefits for income maintenance, such as Supplemental Security Income and Temporary Assistance for Needy Families, and noncash benefits such as Medicaid and the Children's Health Insurance Program (CHIP) in the consideration of public charge.
- Fails to distinguish between receipt of benefits for use by the immigrant and benefits for another person, such as the applicant's U.S. citizen child.
- Fails to explain that receipt of government cash benefits for income maintenance or institutionalization do not automatically make an individual a public charge. Receipt of this

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assistance is only one factor considered in the context of the totality of the circumstances.

- Implies, by being located among a series of questions on criminal and terrorist activities, that receipt of public benefits is similarly illegal.

Question C2 is confusing to applicants, advocates, and even USCIS adjudication officials. It also perpetuates a longstanding concern among immigrants that receiving public benefits will undermine their ability to adjust their status or will otherwise put them at risk, by making them a “public charge.” This misunderstanding creates a chilling effect that prevents immigrants from applying for critical benefits for themselves and their children.

Organizations in the CCF network that work with low-income immigrants report that otherwise eligible non-citizens and the citizen children of undocumented immigrants are reluctant to apply for key nutrition and health care benefits and other essential services based on a mistaken belief that receipt of these benefits will prevent them from becoming a lawful permanent resident. This misunderstanding of USCIS policy is fueled by the confusing and misleading nature of Question C2 and the fact that this question is often asked verbally in the adjudication interview.

CCF requests that USCIS revise Question C2 to specifically address the cash income assistance programs (TANF, SSI, and state and local subsistence benefits) that may be a factor for “public charge.” Further, we ask that USCIS issue instructions with the Form I-485 to confirm that noncash benefits such as Medicaid and CHIP will not be considered in the public charge determination during the adjustment process.

Thank you for your attention to these comments. For more information, please contact Joan Alker at jca25@georgetown.edu or Dinah Wiley at dinahwiley@gmail.com.