

December 4, 2018

Ms. Samantha Deshommes  
Chief, Regulatory Coordination Division, Office of Policy and Strategy  
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 Ms. Dehommes,

On behalf of the American Association of Collegiate Registrars and Admissions Officers (AACRAO), I am writing in response to the Department of Homeland Security's (DHS or the Department) Notice of Proposed Rulemaking (NPRM or proposed rule) to express our opposition to the changes regarding "public charge," published in the Federal Register on October 10, 2018.

We strongly believe that the proposed rule would create significant harm to the health and well-being of immigrant students, children, parents, and families as legally present immigrants decide to forego enrollment for themselves and/or their families in the programs specified under the rule out of fear of harming their future eligibility to stay in the U.S. Further, the proposed rule could create additional barriers and represent a deterrent to international students and visitors seeking to study and work in the country. We urge that the proposed rule be withdrawn in its entirety, and that the 1999 guidance remain in effect.

Established in 1910, AACRAO is a nonprofit association of more than 11,000 campus enrollment officials who represent approximately 2,600 institutions and agencies in the U.S. and more than 40 countries worldwide. The vast majority of our individual members are campus officials with direct responsibility for admissions, recruiting, academic records, and registration functions. They play a central role in protecting and maintaining the academic integrity of their institutions as guardians of admissions and as codifiers and custodians of the institutional academic policies that govern the awarding of credits and credentials.

**The rule could discourage immigrant youth and U.S.-born youth with non-citizen parents from pursuing a college education and would increase families' financial instability.** As higher education leaders, AACRAO members are committed to ensuring that all students are given the opportunity to succeed in school and contribute their talents to our nation's workforce and economy. As such, we are especially concerned about the possible consequences of this proposed public charge rule on immigrant students—students who contribute greatly to the rich cultural diversity of the nation's college campuses, serve as leaders on our campuses, and work in our communities. Like their peers, immigrant students—including those who have obtained legal

permanent residency and U.S. citizenship—work hard to earn their postsecondary degrees and credentials. Other immigrant students aspire to one day become legal permanent residents and U.S. citizens, apply their education and training to their field of study, and contribute to our country.

The changes could significantly decrease enrollments in higher education. While public education benefits, such as Pell Grants or other financial aid, are not included under the rule, the fear and confusion generated by the rule could deter greater numbers of immigrant young adults who are eligible for federal and state-funded aid programs from applying to college altogether. According to the Department of Education, over a quarter of undergraduates nationally in higher education are first- or second-generation immigrant students, and one in five come from a household in which English is not the primary language spoken.

Pell Grants are targeted to meet students with the greatest financial need at public and private institutions, providing the largest awards to the lowest-income students. According to the Center for Budget and Policy Priority, public institutions account for more than two-thirds of Pell recipients (68 percent), with 36 percent of public four-year students receiving Pell Grants, and 32 percent of community college students who are Pell recipients. In addition, community colleges have a much higher proportion of low-income and immigrant students than other higher education sectors. Fearing that the public charge would pertain to Pell Grants or other public education benefits, many immigrant students could mistakenly avoid applying for Pell or any state or financial aid and will be unable to afford college without it.

**The proposed rule would also impact international students, visitors, and workers seeking to extend or adjust their status.**

**Burden on Individuals:** The new public charge test would apply when individuals apply for a green card or seek admission to the U.S. For nonimmigrants, including F-1 students, J-1 exchange visitors, H-1B specialty workers, or their dependents, the public charge test would be applied when they request to extend or adjust their nonimmigrant status. For example, an international student with F-1 status applying for an employment status would be subject to the public charge test. This rule would create additional tests and barriers for these individuals.

The increased uncertainty imposed by the new regulations is likely to deter even well-qualified and affluent international students from attempting to study in the U.S., as the ability to gain U.S. workplace experience during an Optional Practical Training period is often a key motivation for enrolling in an American college. Drops in international enrollment would have broader ripple effects for U.S. higher education institutions, especially financially.

**Burden on the U.S. Citizen and Immigration Services (USCIS):** Under the proposed rule, USCIS would need to conduct public charge assessments of individuals making requests to extend or change nonimmigrant status. Extending the public charge test to these populations is not a good use of USCIS resources. F-1 and M-1 students already must provide evidence of “sufficient funds available for self-support during the entire proposed course of study.” By definition, most

employment-based nonimmigrant visas mandate sponsorship and compensation by employers. Financial stability is already built into their nonimmigrant visa eligibility. Given the existing safeguards in State Department procedure and individual visa requirements, the additional significant investment of time and personnel in public charge assessments of nonimmigrants by USCIS would be an unnecessary administrative burden and additional cost.

**Overall impact:** Beyond the individual and administrative burdens detailed above, the proposed rule would present another harmful deterrent to international talent coming to the U.S. to study and work, regardless of their financial status. This will adversely impact colleges and universities, their ability to provide educational programs to all students, and the vibrancy of their communities. According to NAFSA: Association of International Educators, international student enrollment has increased significantly. Between 2007 and 2017, foreign students enrolled in U.S. colleges and universities increased from 238,000 to 1,094,000. NAFSA estimates that for the 2017-2018 academic year, international students contributed \$39 billion to the U.S. economy and supported more than 455,000 jobs. Even a slight decrease has drastic impacts on higher education institutions as international students often receive little or no financial aid and pay higher out-of-state tuition at public universities. Declining enrollments of international students coming to the U.S. will be economically detrimental to regions across the country. This proposed rule would only further exacerbate this disturbing trend, and requires a careful analysis and quantification of the costs to U.S. higher education and regional economies.

For the reasons described in this comment letter, the Department should withdraw its current proposal, rely instead on the 1999 policy guidance regarding public charge, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of individuals to access postsecondary pathways and support themselves and their families in the future. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services, and support they need to remain healthy and productive.

Thank you for the opportunity to submit comments on the NPRM. Please do not hesitate to contact me at 202-293-9161 if you would like discuss my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael V. Reilly". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Michael V. Reilly  
Executive Director