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ASSOCIATION  
FOR BEHAVIORAL  
HEALTHCARE

December 10, 2018

The Honorable Kirstjen M. Nielsen  
Secretary of Homeland Security  
Washington, D.C. 20528

**RE: USCIS-2010-0012, Inadmissibility on Public Charge Grounds**

Dear Secretary Nielsen:

On behalf of the membership of the Association for Behavioral Healthcare, thank you for the opportunity to submit the following comments on the Department of Homeland Security's Notice of Proposed Rulemaking: Inadmissibility on Public Charge Grounds (DHS Docket No. USCIS-2010-0012). The Association for Behavioral Healthcare (ABH) is an association representing more than eighty community-based mental health and addiction treatment provider organizations. Our members are the primary providers of publicly-funded behavioral healthcare services in the Commonwealth of Massachusetts, serving approximately 81,000 Massachusetts residents daily, 1.5 million residents annually, and employing over 46,500 people.

The proposed rule on public charge would expand the definition of "public charge," a test that determines if legal immigrants are likely to become dependent on the government for subsistence, to include federal health, housing and nutrition programs. If finalized, this rule would deter immigrant families that are lawfully residing in the U.S. from seeking health care coverage, negatively impacting the health of millions of adults and children. For this reason, **the Association for Behavioral Healthcare strongly urges DHS to rescind this rule.**

Specifically, the proposed rule states that receiving health care through Medicaid would weigh heavily against legal immigrant adults and children applying for admission into the U.S. with a visa or applying for lawful permanent residency with a green card. As a result of this rule, we believe legal immigrants will avoid enrolling in Medicaid and seeking behavioral and physical health services for which they are eligible, out of fear of jeopardizing their ability to extend or improve their immigration status.

Access to Medicaid coverage is essential for the most vulnerable members in our communities. Without Medicaid coverage, our clients who are legal immigrants will likely forego preventative care and treatment services that enable them to be healthy, productive members of society.

Months of speculation about the proposed rule have already resulted in a "chilling effect" of legal immigrants disenrolling themselves and their children (regardless of the child's citizenship status) from health care and other public programs. If adopted, this rule would force legal immigrants to choose between their health, safety, and wellbeing, or risk jeopardizing any current immigration status or future immigration applications. [Analysis from Manatt Health](#) (2018) suggests that "as many as 26 million people" may forego utilizing these programs they may otherwise be eligible for

in times of need. That same report finds that this will disproportionately impact communities of color with over 23 million people affected.

Notably, including Medicaid in public charge determinations will serve only to limit access to critical care, but will do nothing to decrease health care costs. Rather, legal immigrants will defer treatment until their health has deteriorated to the point that expensive, uncompensated care at emergency departments (EDs) and hospitals will be their only viable option. Uncompensated care shifts health care costs onto safety-net providers and state governments. As we work to address the behavioral health challenges in the Commonwealth of Massachusetts, restricting Medicaid access via public charge changes will hurt our ability to provide desperately-needed behavioral health treatment services.

Building upon Medicaid, the Children's Health Insurance Program (CHIP) is pathway to comprehensive health care for children of families that earn too much to be eligible for Medicaid, but need assistance accessing affordable health care coverage. While we strongly oppose the proposed changes in their entirety, if the proposed rule moves forward we strongly recommend that CHIP not be added to the list of programs considered in public charge determinations. The inclusion of CHIP would discourage parents from seeking health care for their children, potentially resulting in negative health implications over the lifetime of those children affected.

The rule would further harm the health of legal immigrants by including public nutrition programs like the Supplemental Nutrition Assistance Program (SNAP) and federal housing assistance in public charge determinations. Although these are not health care programs specifically, ABH recognizes the vital role adequate nutrition and stable housing play in ensuring a person's overall health and wellness. Our members report how access to SNAP or various forms of housing assistance provide a veritable lifeline to individuals and families who are most in need—without which, treatment of their behavioral health care needs would be made more difficult.

The proposed rule would cause major harm to the children of legal immigrant parents, whether they are U.S. citizens or legal immigrants themselves. Although the proposed rule exempts children who are U.S. citizens, the health of legal immigrant parents and their U.S. citizen children cannot be separated. The Centers for Disease Control and Prevention (CDC) have long recognized this inextricable link between the health and wellness of children and that of their parents. Children thrive when their parents can access needed health care (including mental health and addiction treatment), when their families have enough to eat, and a roof over their heads. Conversely, parents' stress and health challenges impede effective caregiving and expose children to adverse child experiences (ACES) that can undermine a child's development and progression throughout their lifespan.

This rule will not simply harm individuals' health in the short-term, it will have permanent consequences for our nation's health. More families will be exposed to toxic stress, which has been shown to negatively impact individuals' long-term physical and mental health. This exposure will be especially hard on children, whose extreme vulnerability to toxic stress puts them at increased risk of developing severe emotional and behavioral problems.

In summary, the proposed rule fails to acknowledge and adequately weigh the innumerable contributions made by legal immigrants, and as such will serve to only disenfranchise those who have legally entered and wish to remain in this country under a lawful, documented status. No family

should have to choose between their health or their ability to stay together in this country. **The Association for Behavioral Healthcare urges the Department of Homeland Security to rescind this rule.**

Sincerely,

A handwritten signature in black ink that reads "Vicker V. DiGravio III". The signature is written in a cursive style with a large initial 'V'.

Vicker V. DiGravio III  
President/CEO