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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4611**

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March 31, 2020

**RECEIVED**

**By ESEC at 2:13 pm, Mar 31, 2020**

The Honorable Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street, SW  
Washington, D.C. 20582

Dear Acting Secretary Wolf:

We write to urge you to exclude receipt of any COVID-19-related assistance from the public charge determination for applicants seeking admission or an adjustment of status. During this global COVID-19 pandemic, it is imperative that everyone, including immigrants, be able to access all forms of assistance to mitigate harm to the public health and economy of the United States.

On February 24, 2020, U.S. Citizenship and Immigration Services (USCIS) implemented the Inadmissibility on Public Charge Grounds final rule, which requires applicants seeking admission or adjustment of status to demonstrate that they have not received public benefits over a designated threshold. This rule also expanded the definitions for public charge and public benefits, and lowered the standard that U.S. Department of Homeland Security (DHS) utilized when determining whether someone is likely to become a "public charge" at any time in the future—changes that will discourage applicants from seeking necessary health care, including health care benefits they are eligible for and not part of the public charge analysis, out of fear of impacting their future status. Consequently, we have opposed the public charge rule since the Trump Administration issued the initial Notice of Proposed Rulemaking.

While the USCIS alert encouraging all COVID-19 symptomatic individuals to seek treatment and stating that "such treatment or preventive services will not negatively affect any alien as part of a future Public Charge analysis" is a step in the right direction, it is insufficient.<sup>1</sup> As the alert later states, "the rule requires USCIS to consider the receipt of certain cash and non-cash public benefits, including those that may be used to obtain testing or treatment for COVID-19 in a public charge inadmissibility determination, and for purposes of a public benefit condition applicable to certain nonimmigrants seeking an extension of stay or change of status." Assurances that applicants may submit explanatory statements and USCIS will "take all such evidence into consideration in the totality of the alien's circumstances" are wholly inadequate to alleviate the fears of would-be applicants.

Our preference would be a full rescission of the Administration's Public Charge Grounds final rule. Our appeals for such action, however, have been ignored. In the absence of a full rescission, USCIS must make clear through policy guidance, website, and stakeholder engagement that any public assistance related to the COVID-19 crisis—whether medical assistance for COVID-19 testing or treatment or other type of relief—will be exempt from any public charge determination. Inaction by DHS will prevent people from seeking medical care or accessing other assistance necessary to keep everyone safe.

Due to the exigent nature of the circumstances surrounding this issue, we respectfully request a response within 15 days.

Best Regards,



Gerald E. Connolly  
Member of Congress

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**U.S. Citizenship  
and Immigration  
Services**

May 6, 2020

The Honorable Gerald E. Connolly  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Connolly:

Thank you for your March 31, 2020 letter to the Department of Homeland Security (DHS). The Acting Secretary asked that I respond on his behalf.

DHS has no greater responsibility than ensuring the safety and security of our country. Mitigating efforts related to the pandemic require everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, U.S. Citizenship and Immigration Services (USCIS) has temporarily suspended routine in-person services at our offices. Nevertheless, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for limited situations.

We recognize there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We continue to carefully analyze these issues and to leverage our resources to effectively address these challenges within our existing authorities.

The Public Charge rule does not restrict access to testing, screening, or treatment of communicable diseases, including COVID-19. In addition, the rule does not restrict access to vaccines for children or adults to prevent vaccine-preventable diseases. Importantly, for purposes of a public charge inadmissibility determination, USCIS considers the receipt of public benefits as only one consideration among multiple factors and considerations in the totality of the alien's circumstances over a period of time, with no single factor being outcome determinative.

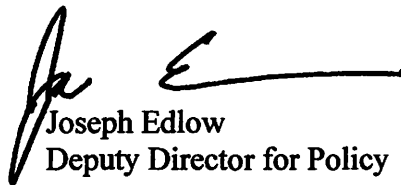
To address the possibility that some aliens impacted by COVID-19 may be hesitant to seek necessary medical treatment or preventive services, USCIS will not consider testing, treatment, or preventative care (including vaccines, if a vaccine becomes available) related to COVID-19 as part of a public charge inadmissibility determination related to the public benefit condition applicable to certain nonimmigrants seeking an extension of stay or change of status,

even if such treatment is provided or paid for by one or more public benefits, as defined in the rule (e.g., federally funded Medicaid).

We appreciate your letter and the recommendations you have put forward. Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times.

Thank you again for your letter and interest in this issue. The co-signers of your letter will receive separate, identical responses.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Edlow', followed by a horizontal line extending to the right.

Joseph Edlow  
Deputy Director for Policy