



The National School Boards Association (NSBA) represents through our state association members approximately 13,000 school boards nationwide. As the national voice for school boards, NSBA offers the following comments to proposed regulation, USCIS-2010-0012, issued by the Department of Homeland Security (Department).¹

NSBA opposes the proposed regulation and urges the Department to revisit its decision to expand the meaning of the term “public charge.” As proposed, the rule will adversely impact both immigrant families and public schools who rely on federal funding primarily through Title I calculated in part on the numbers of public benefit applications/recipients. As families forgo public benefits to which they may be entitled, students in high poverty communities may experience increases in homelessness and child hunger as well as decreases in medical treatment.² This is because the expansion of the “public charge” rule places immigrant families—many with children who are United States citizens—in the untenable position of having to choose between food, access to healthcare, and shelter and legal immigration status. As the number of public benefit applicants/recipients declines, so does concomitant federal school funding aimed at improving the educational opportunities of children brought on by poverty, hunger and lack of access to healthcare. Ironically, the unintended outcome of the proposed rule is that the loss of much needed federal funding will result in the elimination of school programs that benefit all children. As a result, NSBA urges the Department to consider the devastating consequences the proposed change in the regulation will have on schools, children, and families and remove the public charge expansion before it is finalized.

¹ As indicated in the Summary of the proposed regulation, “This NPRM (proposed rule), if finalized, would enable the federal government to better carry out provisions of U.S. immigration law related to the public charge ground of inadmissibility. This proposed rule would change the standard that is used when determining whether an alien is likely at any time in the future to become a public charge and is therefore inadmissible under section 212(a)(4) of the INA, ineligible for adjustment of status, or ineligible for admission or a visa. The rule would also make nonimmigrant aliens who are public charges generally ineligible for change of status and extension of stay. USCIS believes this proposal is more consistent with Congressional intent regarding the public charge ground of inadmissibility.”

² <https://firstfocus.org/news/press-release/dhs-proposed-public-charge-rule-would-harm-children>

