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December 19, 2025

Submitted via Regulations.gov

Kristi Noem
Secretary
U.S Department of Homeland Security
Washington, DC 20528

RE: USCIS-2025-0304; Public Charge Ground of Inadmissibility

Dear Secretary Noem:

On behalf of the more than 3 million members of the National Education Association (NEA), we submit the following response to the Department of Homeland Security’s (the Department) Notice of Proposed Rulemaking (NPRM) published in the Federal Register on November 19, 2025 proposing to rescind the 2022 Biden Administration Public Charge Rule (“2022 rule”). **NEA strongly opposes rescinding the 2022 rule as it will negatively impact children’s access to adequate nutrition, reliable health care, and stable housing. This cruel result will do lasting damage to children’s emotional wellbeing and ability to learn.**

NEA members, comprised of teachers, school nurses, counselors, and education support professionals, engage face-to-face every day with K-12 students in our nation’s public schools. The children who come to school without breakfast, who miss class because of an untreated illness, or go absent as their families move from place to place—these are our members’ students. NEA members know the obstacles they face. The proposed rule would only worsen these students’ chances of academic success. **We strongly urge the Department to withdraw the proposed rule in its entirety and to continue to utilize the 2022 rule.**

Background

For over a century, U.S. immigration law has used the term “public charge” to mean a person primarily dependent on the government for subsistence.¹ If someone is likely to become a “public charge,” the government can deny that person’s application for lawful permanent resident status and

¹ Torrie Hester, Hidetaka Hirota, Mary E. Mendoza, et al., *Historians’ Comment on DHS Notice of Proposed Rule, Inadmissibility on Public Charge Grounds*, October 2018 (Historians’ Comment). <https://www.ilcm.org/wp-content/uploads/2018/10/Historians-comment-FR-2018-21106.pdf>.

bar an individual entry into the U.S. DHS's proposal would remove clear regulatory guidance instructing immigration officers that public charge determinations are limited to an applicant's past receipt of cash assistance for income maintenance or long-term institutionalization at government expense. It also proposes to remove the prohibition on considering benefits used by family members which will cause families to worry about whether the receipt of benefits by family members – including U.S. citizen children – will be held against them in a public charge assessment.

While the proposed rule does not formally replace the 2022 rule, rescinding the rule without a clear substitute would effectively remove existing limitations on public charge determinations and signal that DHS intends to permit consideration of any receipt or application for any type of means-tested benefit, at any time and for any duration, including benefits received on behalf of U.S. citizens or lawful permanent resident family members. This would constitute a radical expansion of the public charge doctrine and would affect access to nutrition, health care, housing, and other essential benefits. The absence of clear, administrable standards would also make adjudications more inefficient and inconsistent, requiring officers to collect and evaluate the expansive and often irrelevant benefit histories and prolonging adjudications without improving accuracy.

This proposal would create fear and uncertainty, resulting in a chilling effect in which parents and families forgo public benefits for which they are eligible out of concern that doing so could jeopardize their own or a family member's access to lawful permanent residence. The NPRM itself acknowledges the resulting harms, including worse health outcomes for infants and children, increased poverty, and lower educational attainment, impacts that would all fall on U.S. citizen children.² By attaching severe immigration consequences to a potentially broad range of vital benefits, the proposed rule would lead families to forgo nutrition, health care, and housing assistance, directly and harmfully undermining children's wellbeing.

Anticipated Effects of the Proposed Rule

Even families whose immigration status would be unaffected by the proposed rule will be deterred from seeking access to nutrition, health care, housing, and other benefit programs. For example, when federal welfare law was overhauled in 1996 such that immigrants, but not their U.S. citizen children, became ineligible for federally-funded benefits, more than half of U.S. citizen children with an immigrant parent nonetheless dropped from the food stamps program.³ The chilling impact of rescinding the 2022 rule is likely to be large because of legitimate fears in immigrant communities resulting from this Administration's multiple attacks on immigrants. Experience with immigration enforcement, including knowing someone who has been deported, increases noncitizens concerns

² Department of Homeland Security, *Public Charge Ground of Inadmissibility*, November 19, 2025, 90 Federal Register 52168 (2025 NPRM). <https://www.federalregister.gov/d/2025-20278/p-523>.

³ Jenny Genser, *Who Is Leaving the Food Stamp Program: An Analysis of Caseload Changes from 1994 to 1997*, U.S. Department of Agriculture, Food and Nutrition Service, Office of Analysis, Nutrition, and Evaluation, 1999. <https://fns-prod.azureedge.us/research/snap/leaving-program-analysis-caseload-changes-1994-1997>

about public charge.⁴ The Kaiser Family Foundation’s fall 2025 survey found that 22% of immigrants said that they personally knew someone who has been arrested, detained or deported on immigration related charges since January, nearly three times as many as in April. Three in ten reported that they or a family member have limited their participation in activities outside the home since January due to concerns about drawing attention to someone’s immigration status.⁵ The chilling effect will also likely be increased due to the uncertainty about which benefits will count in a public charge determination, the degree of usage that will count, and uncertainty about whether benefits received by other family members will count.

Rescinding the 2022 rule will have a significantly negative impact on the nation’s children. One in four children in the U.S., approximately 19 million children, have at least one immigrant (non-U.S.-born) parent. The majority of these children are U.S. citizens, either in mixed-immigration status households (with noncitizen parents) or with naturalized citizen parents. Only about three percent of children in the U.S. are noncitizens.⁶ And given the proposed restrictions on immigrants’ eligibility for public benefits, **much of the impact will be suffered by children that are U.S. citizens** in immigrant families.

Educational and Health Implications

Educators can readily attest to the negative effects of hunger, unmet health care needs, poverty, and destabilized housing on students and their ability to learn. The proposed rule will lead to reductions in access to public benefits that will harm child development, learning, and educational attainment. A child’s health directly impacts his or her ability to learn, so it is not surprising that public health insurance coverage positively impacts education attainment.⁷ Such health care coverage, which is primarily available through Medicaid, increases high school graduation rates.⁸ The proposed rule will result in families foregoing access to Medicaid for fear of it counting toward a public charge determination leading to delayed medical care for students, actions that will sicken entire classrooms and communities.

Limited access to health coverage undermines students’ ability to fully participate in school. When children lack routine preventive care or treatment for chronic conditions, they experience more frequent and longer absences, which directly reduces instructional time and widens existing achievement gaps.⁹ Schools frequently become the default providers of basic health support,

⁴ Lei Chen, Maria-Elena De Trinidad Young, Michael A. Rodriguez, and Kathryn Kietzman, *Immigrants’ Enforcement Experiences and Concern about Accessing Public Benefits or Services*, *Journal of Immigrant and Minority Health* 25, no. 5 (2023): 1077–84. <https://doi.org/10.1007/s10903-023-01460-x>.

⁵ Drishti Pillai et al, *KFF/New York Times 2025 Survey of Immigrants: Health and Health Care Experiences During the Second Trump Administration*. KFF, 2025. <https://www.kff.org/immigrant-health/kff-new-york-times-2025-survey-of-immigrants-health-and-health-care-experiences-during-the-second-trump-administration/>.

⁶ Drishti Pillai, Akash Pillai, and Samantha Artiga. *Children of Immigrants: Key Facts on Health Coverage and Care*. KFF, 2025. <https://www.kff.org/racial-equity-and-health-policy/children-of-immigrants-key-facts-on-health-coverage-and-care/>.

⁷ Sarah Cohodes et al., *The Effect of Child Health Insurance Access on Schooling: Evidence from Public Insurance Expansions 4, 5 & 23* (Nat'l Bureau of Econ. Research, Working Paper No. 20178, 2014), available at <https://www.nber.org/papers/w20178>.

⁸ *Id.*

⁹ Hill, N. E., Palakshappa, D., & Chua, K. P. (2025). Chronic Conditions and Food Insecurity in US Children. *JAMA network open*, 8(9), e2533953. <https://doi.org/10.1001/jamanetworkopen.2025.33953>

stretching already limited resources. Research consistently demonstrates that untreated medical issues, such as asthma, dental pain, untreated infections, or vision impairments, can lead to difficulty concentrating, increased behavioral challenges, and reduced academic performance.¹⁰ By creating barriers to Medicaid enrollment, the proposed rule would shift avoidable health burdens onto schools while simultaneously preventing children from accessing the care that enables their success in the classroom and further reducing school funding and resources for school-based practitioner positions.

Threats to Food Security

The proposed rule also threatens the food security of millions of children. Access to a healthy diet during early childhood is critical to developing the skills needed for success in school, including memory, emotional stability, and social skills. Access to food stamps (SNAP) during the first five years of life produced multiple benefits, including significant improvements in lifetime educational attainment and income.¹¹ Conversely, children in families that lost SNAP benefits were more likely to be in poor health and at risk for developmental delay.¹² Similarly, prenatal and early childhood participation in WIC is also linked to improved cognitive development and academic achievement.¹³

Food insecurity does not occur in isolation; it affects a child's physical health, emotional regulation, and readiness to learn.¹⁴ Educators routinely observe that hungry students struggle with attention, memory, stamina, and self-regulation, placing both them and their peers at risk of poorer educational outcomes. Increased behavioral disruptions or the need for additional remediation can disrupt classroom instruction and divert time and resources away from other students. Reduced participation in SNAP and WIC will also exacerbate inequities, disproportionately affecting schools serving high numbers of students from immigrant families. Educators are already reporting rising levels of student hunger during the day, and the proposed rule would further increase this burden, forcing schools to fill gaps with limited school meal resources. These consequences extend beyond the classroom. Food insecurity is associated with higher long-term public costs related to special education services, grade repetition, and decreased adult earnings.¹⁵ By discouraging families from accessing programs proven to mitigate these deficits, the proposed rule would erode decades of progress in supporting children's healthy development.

¹⁰ Basch C. E. (2011). Healthier students are better learners: high-quality, strategically planned, and effectively coordinated school health programs must be a fundamental mission of schools to help close the achievement gap. *The Journal of school health*, 81(10), 650–662. <https://doi.org/10.1111/j.1746-1561.2011.00640.x>

¹¹ Martha Bailey et al., *Is the Social Safety Net a Long-Term Investment? Large-Scale Evidence from the Food Stamps Program*, 91(3) Rev. Econ. Stud. 1291-1330 (2024).

¹² Ettinger de Cuba et al., *Punishing Hard Work: The Unintended Consequences of Cutting SNAP Benefits*, Children's HealthWatch (Dec. 2013), https://childrenshealthwatch.org/wpcontent/uploads/cliffeffect_report_dec2013.pdf.

¹³ For a review, see Steven Carlson and Zoe Neuberger, *WIC Works: Addressing the Nutrition and Health Needs of Low-Income Families for 40 Years*, Center on Budget and Policy Priorities, 2017, <https://www.cbpp.org/research/food-assistance/wic-works-addressing-the-nutrition-and-health-needs-of-low-income-families>.

¹⁴ Casey, E. G., & Winsler, A. (2025). Impacts of Food Insecurity on Child Development: Strengthening the Role of Childcare. *Nutrients*, 17(15), 2427. <https://doi.org/10.3390/nu17152427>

¹⁵ Orihuea, C. A., Cox, C., Evans, R., & Mrug, S. (2023). Associations of Household Food Insecurity with Academic Outcomes in Early Adolescents. *The Journal of school health*, 93(10), 883–890. <https://doi.org/10.1111/josh.13358>

Impact of Housing Instability on Student Outcomes

Compounding the impacts of reduced access to food and health care programs is the impact on housing assistance. Reduced use of housing assistance will increase the risk of children living in unsafe, overcrowded, and unsafe housing. Housing vouchers have been found to improve children's educational outcomes, including gains in math and language arts.¹⁶ Housing instability is associated with multiple negative educational impacts, including frequent absences, frequently changing schools, lower test scores, slower grade progression, and higher school dropout rates.¹⁷

Housing instability is one of the strongest predictors of lower academic achievement, and the proposed rule would heighten this risk by deterring families from seeking critical housing assistance.^{18,19} Students experiencing unstable or unsafe housing often change schools frequently, disrupting the continuity of instruction, severing relationships with educators and peers, and causing losses of academic progress equivalent to several months of learning per move. Homelessness or overcrowded living situations also create barriers to completing homework, maintaining sleep routines, and managing stress. These environmental strains translate into behavioral challenges, lower engagement, and long-term academic struggles. By creating fear around accessing housing programs, the proposed rule would significantly worsen educational instability for millions of children.

Compounded and Systemic Educational Harms

The impacts of reduced access to health, nutrition, and housing supports do not occur independently. They compound one another.²⁰ A child who is hungry is more likely to become ill; a child who is ill misses school; a child who is frequently absent due to housing instability or sickness falls further behind academically. Educators regularly confront these intersecting challenges, and they overwhelmingly confirm that students experiencing multiple hardships face far greater barriers to educational success. The proposed rule would dramatically expand the number of children at risk of experiencing these overlapping forms of deprivation, thereby placing school systems under additional strain, and undermining the overarching goals of the education system.

Conclusion

The NEA respectfully submits these comments for consideration. We believe that all children deserve the fundamental security provided by adequate food, health care, housing, and more. It is

¹⁶ Amy Ellen Schwartz, et al. *Do Housing Vouchers Improve Academic Performance? Evidence from New York City*, Journal of Policy Analysis and Management, December 2019. <https://onlinelibrary.wiley.com/doi/10.1002/pam.22183>.

¹⁷ Martha Galvez & Jessica Luna, *Homelessness and Housing Instability: The Impact on Education Outcomes*, Urban Institute (Dec. 2014), <https://www.tacomahousing.org/wp-content/uploads/2021/06/Urban-Institute-THA-Homelessness-and-Education-2014-12-22.pdf>.

¹⁸ Child Poverty Action Lab (CPAL). (2024). *Housing Stability for School Success*. <https://childpovertyactionlab.org/inside-the-lab/housing-stability-for-school-success>

¹⁹ Lebrun-Harris, L. A., Sandel, M., Sheward, R., Poblacion, A., & Ettinger de Cuba, S. (2024). Prevalence and Correlates of Unstable Housing Among US Children. *JAMA pediatrics*, 178(7), 707–717. <https://doi.org/10.1001/jamapediatrics.2024.1159>

²⁰ Urban Institute. (2024). *Households Faced Persistent Challenges Affording Food in 2024*.

<https://www.urban.org/research/publication/households-faced-persistent-challenges-affording-food-2024>

critical that such supports are in place so that students can meaningfully engage at school and reach their greatest potential. **For all the above reasons, we urge you to withdraw this harmful proposed rule in its entirety.** Please do not hesitate to contact me or Daaiyah Bilal-Threats, Senior Director, at DBilal@nea.org, should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Rebecca S. Pringle". The signature is written in a cursive style with a large initial 'R'.

Rebecca S. Pringle
President
National Education Association