



December 19, 2025

The Honorable Kristi Noem
Secretary
Department of Homeland Security
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services

Dear Secretary Noem,

Thank you for the opportunity to comment on the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking (NPRM) titled, "Public Charge Ground of Inadmissibility," in which DHS proposes to rescind the 2022 public charge final rule. Rescission would restore broad discretion for immigration officials to deny legal status to a foreign-born person based on expected or actual utilization of government assistance.

The NPRM describes the agency's intended reinterpretation of public charge determinations to include the consideration of any past or future benefit use for any length or duration of time, including the use of "means-tested public benefits." Historically and within the 2022 final rule, public charge determinations have focused primarily on cash assistance rather than the broad description within the NPRM. Without the guardrails codified in 2022, a variety of critical assistance programs, including housing, food, and healthcare assistance, could be considered within a foreign-born person's application for lawful permanent resident (LPR) status. The NPRM also does not explicitly address whether use of benefits by family members would be considered in a public charge determination in the future.

On behalf of older adults and the workforce that serves them, LeadingAge strongly opposes broad public charge discretion. Public charge policies harm both the aging services workforce and foreign-born older adults by creating fear, limiting access to safety net programs, and making it harder for immigrant caregivers to get legal status. We urge DHS to support, rather than restrict, immigrant access to benefits, as well as pathways to citizenship for the aging services workforce.

About LeadingAge

We represent more than 5,400 nonprofit aging services providers and other mission-driven organizations serving older adults that touch millions of lives every day. Alongside our members and 36 partners in 41 states, we use advocacy, education, applied research, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, community-based services, hospice, and home-based care. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home. For more information visit leadingage.org.

Key Concerns

- ***Access to Housing & Services:*** Allowing broad discretion for immigration officials determining public charge status forces foreign-born older adults and the workforce who serve them into an impossible choice between necessary food, housing, or healthcare and maintaining their immigration status, leading to worse health outcomes. Limiting access to critical services also reduces access to preventative measures and ultimately results in increased strain on programs and providers.
- ***Workforce Impact:*** Foreign born workers make up 28% of the long-term care workforce.¹ Thirty-six percent of direct care workers live in low-income households. The cost of private-pay care at home for older adults and those with disabilities grew 7% according the Bureau of Labor Statistics (BLS) in *one month* – the largest increase ever (between August 2025 and September 2025). A rescission of the public charge regulation would run counter to the country’s need to explain legal immigration pathways to address the nation’s severe shortage of aging services workforce. Fewer workers will only drive up costs further and/or reduce access to needed aging services. Stricter public charge rules discourage immigrant workers who are crucial to the aging services sector from seeking legal status and work permits, impacting the availability of workers in this field. Those who do apply for legal status could face barriers to approval due to having utilized nutrition or housing assistance.
- ***"Chilling Effect":*** Public charge rules create fear, causing eligible immigrant households to disenroll from critical programs like SNAP, Medicaid, and housing assistance, even if they don't directly use services that are within the scope of public charge determinations. While the proposed rule appears to leave room for officers to consider benefits used by family members who are not seeking to adjust their status, it also removes the definition of “receipt (of public benefits)” (8 CFR Part 212.21(d)) that explicitly states that applying for or receiving benefits on behalf of family members is not considered “receipt.” The proposed rule also fails to provide such reassurance in the preamble, as the 2019 final rule promulgated during the first Trump administration did.² Without that clear language, it is impossible for immigrants to know - or for providers to offer them meaningful reassurance about - whether use of benefits by family members, including U.S. citizen children, will harm them when they seek to obtain green card status.

There are a vast number of programs and services that an immigration official might decide fall under the heading of a "public benefit" or "public resource," including many not limited to low-income older adults and those who serve them. Such examples include Individual Assistance dollars from the Federal Emergency Management Agency in the wake of a natural disaster or public education generally. Would accepting federal loan or grant money to pay for training to be

¹<https://www.kff.org/medicaid/what-role-do-immigrants-play-in-the-direct-long-term-care-workforce/>

² 2019 Final Rule: <https://www.federalregister.gov/d/2019-17142/p-499>. Of note, the 2019 final rule discussed this reassurance in the context of arguing that the rule could not be considered to discriminate against certain citizen children on the basis of their parents’ nationality, as their receipt of benefits would not be considered in the public charge assessment.

a home health aide or a certified nursing assistant count as a “public resource?” What about accepting emergency housing assistance because of disaster-related displacement?

We do not think that DHS intends that *all of* these benefits should count in the public charge determination. But the proposed rule does not provide any guidance about which programs would *not* be considered; indeed, it explicitly rejects the concept of doing so. By contrast, the 2019 final rule included statements such as “this definition does not include benefits related exclusively to emergency response, immunization, education, or social services” and “DHS will not consider for purposes of a public charge inadmissibility determination whether applicants for admission or adjustment of status are receiving food assistance through other programs, such as exclusively state-funded programs, food banks, and emergency services, nor will DHS discourage individuals from seeking such assistance.”³

The proposed rule’s economic impact analysis clearly acknowledges what’s at stake: approximately 447,000 people will disenroll or forgo enrollment in SNAP, 364,000 in Medicaid, 64,000 in Supplemental Security Income (SSI), 59,000 in CHIP and 16,000 in cash assistance under Temporary Assistance for Needy Families (TANF).⁴ DHS admits that those who disenroll or forgo enrollment because of these proposed changes will include “U.S. citizens who are members of mixed-status households.” This reduction in access to supportive services – for those who make seek LPR and for those who are in a household with an immigrant – all eventually creates more harmful and costly health issues for older adults and the providers serving them.

In closing, we urge the administration to maintain current public charge policies, emphasizing dignity and access to supportive services for foreign-born older adults and the workforce that serves them, and to commit to bipartisan immigration reform to expand legal pathways to retain and expand the aging services workforce.

Please reach out to [Juliana Bilowich](#), LeadingAge’s Vice President of Housing Policy, with any questions.

Sincerely,

Juliana Bilowich
LeadingAge

³ 2019 Final Rule: <https://www.federalregister.gov/d/2019-17142/p-527>

⁴2025 Final Rule, Table VI.10, <https://www.federalregister.gov/d/2025-20278/page-52214>