

United States Senate

WASHINGTON, DC 20510-2509

March 16, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

On March 11, 2021, your department reversed recent changes to the “public charge” rule – a Trump-era policy that sought to enforce existing immigration law.¹ The rule stipulates that the majority of noncitizen immigrants deemed likely to become dependent on public assistance should not be allowed to enter the United States or change their visa status to remain longer in the country. I write today to urge you to reinstate those changes.

As you undoubtedly know, current immigration law provides that any alien (with exceptions for especially vulnerable individuals) who is “likely at any time to become a public charge” becomes inadmissible for a visa to the United States or adjustment of visa status.² In keeping with that law, in August of 2019, the Trump administration issued a final rule clarifying the terms of the existing statute and outlining the factors that the Department of Homeland Security would consider when making a “public charge” determination.³ Among other things, the rule included a requirement that any alien seeking an extension of stay or status change should show that they had not been consistently dependent on public assistance, including cash benefits as well as in-kind benefits such as Medicaid, housing vouchers, and food stamps. Contrary to the apocalyptic tone of some media coverage, the rule clarified that these limitations do *not* apply to asylees and several other vulnerable populations outlined in the underlying statute and rule. Rather, such a rule was both rational and necessary: the American government has a responsibility to prioritize, first and foremost, the well-being of taxpaying citizens. That is the first duty of any regime.

The American economic situation has grown much more dire since then. We are in the middle of a national pandemic, millions of Americans are struggling to make ends meet,

¹ <https://www.weny.com/story/43485498/biden-administration-takes-final-step-to-end-trump-era-public-charge-rule>

² <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1182&num=0&edition=prelim>

³ <http://cdn.cnn.com/cnn/2019/images/08/12/2019-17142.pdf>

and there is a burgeoning crisis at the border. Under conditions like these, this is perhaps the worst imaginable time to gut this important safeguard. By creating a fresh incentive for foreign migrants to surge across our southern border, your actions reflect a profound misunderstanding of the plight of American workers and communities across the country, and threaten to further exacerbate an already severe humanitarian disaster.

This dangerous moment is no time for the Department to change course. The public charge rule serves the essential purpose of protecting *Americans'* welfare first and foremost, and it should be immediately reinstated.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large loop at the end of the last name.

Josh Hawley
United States Senator