December 10, 2025

U.S. Citizenship and Immigration Services
DHS
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Comment on Notice of Proposed Rulemaking on Public Charge Ground of Inadmissibility (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS-2025-0304

Submitted online via www.regulations.gov.

On behalf of the National Foundation for American Policy (NFAP), a nonpartisan policy research organization, I submit this comment to provide information on the proposed rule on Public Charge Ground of Inadmissibility.[1]

The Department of Homeland Security published a far-reaching measure in the Federal Register on Nov. 19. DHS proposed rescinding the 2022 public charge rule and replacing it, in its words, with a "broader discretion to evaluate all pertinent facts and align with long-standing policy that aliens in the United States should be self-reliant and government benefits should not incentivize immigration."

Several flaws in the proposed rule make it legally suspect and poor public policy.

First, a proposed rule should not be published to benefit government employees. However, that is the basis for this rule. The Federal Register notice cannot detail any quantitative benefits from the new policy, stating "DHS anticipates this proposed rule will produce benefits but is limited to providing a qualitative analysis." Moreover, the "qualitative" benefits DHS anticipates will not go to Americans or the U.S. economy, but to government personnel who will not be "unnecessarily" limited in their "ability to make public charge inadmissibility determinations."

Second, DHS does not cite any research or other evidence in the Federal Register notice to show that the current public charge policy has resulted in allowing government benefits to "incentivize immigration."

[1] Parts of this comment are adapted from Stuart Anderson, "New Immigration Policy Likely To Block Many Family Immigrants," *Forbes*, November 25, 2025.

Third, DHS does not acknowledge research showing the positive fiscal impact of admitting immigrants. After accounting for tax revenue from capital income generated by an immigrant worker's presence in the economy, George Mason University economics professor Michael Clemens found that an average recent immigrant without a high school degree has a *lifetime positive net fiscal balance of $128,000*. "Including the expected children and grandchildren of the average immigrant without a high school degree, the lifetime positive net fiscal effect is $326,000." Clemens makes the logical assumption that companies would invest in computers, machines and office space when they hire immigrants. By pursuing profits, employers would pay more taxes to governments after hiring immigrants.[2]

In sum, since the proposed public charge rule will reduce legal immigration, it will worsen federal debt and cost taxpayers' money, which is not accounted for in the rule.

During Donald Trump's first term, DHS proposed a public charge rule, which was blocked in court and later invalidated by Biden officials, that would have allowed officials to block many family immigrants, potentially reducing the number eligible to immigrate by hundreds of thousands a year. "If the new rescission proposal is finalized, DHS intends to implement a public charge policy that would be far broader than the frameworks established in both the current regulation and in a now-defunct DHS regulation from the first Trump administration," according to the Fragomen law firm.[3]

Fourth, DHS concedes in the Federal Register notice that new immigrants are not eligible for federal means-tested public benefits for at least five years after entering the United States. (The rules differ for refugees and asylees.)

Under U.S. immigration law, an applicant for admission or adjustment of status is inadmissible if they are "likely at any time to become a public charge." A consular officer or other official "shall at a minimum consider the alien's age, health, family status, assets, resources, and financial status and education and skills." Consular officers and officials "may also consider any affidavit of support."

Fifth, DHS does not express or cite concern that removing a structured review of applicants, as detailed by regulation, in favor of subjective determinations by

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[2] https://www.cream-migration.org/publ_uploads/CDP_34_21.pdf.

[3] "United States: DHS Proposes Rescission of Public Charge Regulation, With Expanded Policy to Come," Fragomen, November 18, 2025.

consular officers and others will, based on previous estimates, result in hundreds of thousands of immigrants annually being denied entry. The proposed rule does not consider it a cost that the DHS action will prevent many Americans from living in the United States with a spouse, child or other close relative, which will be the primary impact of the new policy. The proposed rule makes no mention of the rule's life-changing impact on many Americans.

Sixth, the proposed rule ignores economic research on immigrant earnings. It recommends that consular officers and other government officials do the equivalent of evaluating the efficacy of grass seed based on a lawn's height one day after planting the seed.

Immigration research undermines the premise of the proposed public charge rule. Research indicates that the proposed public charge policy ignores crucial empirical evidence by assuming that family immigrants are static individuals who do not improve over time in the United States. "Real earnings increased by 76% over 12 years for immigrants from countries where family sponsorship is the primary method of immigrating to the United States," according to a National Foundation for American Policy analysis by economist Mark Regets, an NFAP senior fellow.[4]

The significant gains by family immigrants compared with real earnings growth of only 23% for U.S.-born workers the same age during the same period, the analysis notes, indicating that family-based immigrants make significant economic progress and integrate into America. "The research also finds that family immigrants have lower rates of incarceration and use of public assistance income than U.S.-born individuals of the same age, and that they increase their educational attainment and English proficiency over time in America."

"Even if someone starts out at a low income, a rapid increase in earnings makes it very likely they will be a net asset to the U.S. economy," said Regets in an interview, pointing to a flaw in the proposed public charge policy.

Family immigrants have higher labor force participation rates than comparable U.S.-born individuals and, on average, only 1.6% received public assistance income in 2021-2023. Haitians had a labor force participation rate of 90% (compared to 76.5% for U.S.-born individuals in the same age range) in 2021-23 and experienced earnings growth of 154% from 2009-11 to 2021-23.

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[4] Mark Regets, *The Economic Advancement, Adaptation and Integration of Family Immigrants in America*, NFAP Policy Brief, National Foundation for American Policy, November 2025.

“This study reinforces the importance of legal, family-based immigration and shows the critical economic contributions that immigrants bring to America,” said Congresswoman Maria Elvira Salazar (R-FL) in a statement.

In conducting the research, Regets analyzed American Community Survey data and identified countries whose family admissions accounted for 75% or more of their legal immigration to the United States between 2005 and 2009. The performance of family immigrants is consistent with the Immigrant Human Capital Investment model of rapid earnings growth and their general situation in the United States, as proposed by Regets and Harriet Duleep in 1999.

After arriving via family immigration, immigrants adapt by trying new jobs, getting new degrees and improving their English. “Immigrants who do not come to America to fill specific jobs often start with lower earnings but experience rapid earnings growth as they adapt and increase their skills to meet the needs of the U.S. labor market,” according to Regets. “Their adaptability creates dynamism in the U.S. economy and benefits American consumers and employers by filling niches in the U.S. labor market.”

I close with a statement about the proposed rule made by Scott Decker, a partner at Quintairos, Prieto, Wood & Boyer. “I think George Orwell drafted this Federal Register notice,” he wrote on LinkedIn (Nov. 25). “The government’s position is that it is *good* to eliminate a clear, bright-line rule and replace it with one that is opaque and full of discretion to issue denials. Why? Because any increase in government power and flexibility is an inherent positive. They then say they recognize that some people will be denied green cards due to this change in policy, but since there is no way to know exactly how many people will be affected, they must ignore those harms when weighing the pros and cons of the proposed policy change.”

Sincerely,

[Signature Redacted]

Stuart Anderson
Executive Director
National Foundation for American Policy