

December 19, 2025

Submitted via [www.regulations.gov](http://www.regulations.gov)

Kristi Noem  
Secretary of Homeland Security  
Washington, D.C. 20528

**Re: DHS Docket No. USCIS-2025-0304, U.S. Citizenship and Immigration Services**

Dear Secretary Noem:

I am writing on behalf of National Skills Coalition (NSC) in response to the Department of Homeland Security's Notice of Proposed Rulemaking (NPRM) on the issue of the public charge, published in the Federal Register on November 19, 2025.

**National Skills Coalition strongly opposes the proposed regulation, and we urge DHS to withdraw it.** As a broad-based coalition of workforce and education advocates, NSC is keenly aware of how changes in federal policy can have wide-ranging ripple effects on our economy. The enactment of this regulation would create significant new uncertainty among a wide array of stakeholders involved in educating and upskilling the US workforce, and would **undermine our country's long and outstandingly successful history of equipping newcomers with the English and workforce skills they need to flourish.**

NSC's mission is to fight for a national commitment to inclusive, high-quality skills training so that more people have access to a better life, and more local businesses see sustained growth. Our 20,000+ members include small businesses, chambers of commerce, higher education institutions, workforce development organizations, adult education providers, nonprofit community-based organizations, public officials, labor-management training partnerships, and more.

Across this diverse array of members, we have heard broadly shared concerns about the deep uncertainty created by this NPRM. **By eliminating clear, bright-line standards that American communities have relied on for decades, the proposed regulation will trigger a substantial chilling effect.** Specifically, it will introduce widespread doubt about which publicly funded programs can and cannot be considered in a public charge assessment, and whether the use of public benefits by family members *not* seeking adjustment will be counted against individuals who are applying for adjustment of status.

In this newly unstable environment, our experience shows that men and women *who are fully eligible* to participate in publicly funded English language classes and workforce programs will nevertheless withdraw from them out of fear and confusion. This will not only

damage their ability to build better lives for themselves and their families, but **will also harm small businesses' ability to upskill their workforce -- and ultimately damage local economic vitality.**

This isn't speculation. During the enactment of new public charge regulations in 2018-19, NSC fielded a host of worried inquiries from our member organizations who were struggling to reassure people that participating in English classes and workforce programs would *not* count against them in the public charge test. To help alleviate these concerns, we [published three fact sheets](#) to help community colleges, workforce development organizations, and adult education providers assure their staff and students that participating in education and workforce activities would not harm their immigration applications or jeopardize their status.

Notwithstanding our own efforts and those of many other organizations, the 2019 DHS regulation *did* create a substantial chilling effect across numerous types of federally funded programs and services. Some of these effects are noted in DHS's own current NPRM.<sup>1</sup>

In this current NPRM, DHS specifically recognizes that it may cause harms such as "increased poverty, housing instability, reduced productivity, and lower educational attainment."<sup>2</sup> NSC's long history as an education and workforce organization equips us to describe in more detail what those harms are likely to include.

Research from the Organization for Economic Cooperation and Development (OECD) shows that the US has a very tight connection between stronger foundational skills and higher earnings – more so than other industrialized countries.<sup>3</sup> This means that as an immigrant improves their reading, math, and spoken English skills, they are better able to contribute economically to American society.

For decades, the federal government has recognized that investing in immigrant skill-building is a win-win solution for newcomers and longtime residents alike. Ensuring that new arrivals have opportunities to learn English and other vital skills has equipped millions of people to support themselves and their families and contribute to local economies. But

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<sup>1</sup> Research documenting some of these effects is cited in DHS's current NPRM: 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>.

<sup>2</sup> 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>.

<sup>3</sup> *Returns to Skills Around the World: Evidence from PIAAC* (Hoover Institution, 2013), viewable at: [https://www.hoover.org/sites/default/files/13114\\_-\\_hanushek\\_schwerdt\\_wiederhold\\_and\\_woessmann\\_-\\_returns\\_to\\_skills\\_around\\_the\\_world\\_-\\_evidence\\_from\\_piaac.pdf](https://www.hoover.org/sites/default/files/13114_-_hanushek_schwerdt_wiederhold_and_woessmann_-_returns_to_skills_around_the_world_-_evidence_from_piaac.pdf)

this NPRM undermines that longstanding practice and instead introduces enormous uncertainty and confusion for immigrants, the US business owners that employ them, and the local communities in which they live.

***The proposed rule provides no guidance on which public benefits will be considered.***

Without a clear standard, people will be left to guess whether accessing a vital service will jeopardize their current or future immigration status. Lack of standardization means that people in different parts of the country or even in the same city but facing a different immigration official may face different standards, leaving them vulnerable to the whims of chance. Will one official decide that having attended a federally funded adult English language class counts as receiving a public benefit? Will another determine that having a family member who legally accessed Pell Grant funding is a strike against the applicant?

Guidance counselors, community college student advisors, and English for Speakers of Other Languages (ESOL) teachers cannot provide useful guidance to their students if the federal government does not articulate clear definitions and standards. To take just one example, uncertainty in federal guidance could affect hundreds of thousands of adult English language learners served under the federal Workforce Innovation and Opportunity Act.

***The proposed rule would hurt small businesses' efforts to upskill their workforce.***

NSC's research on small businesses has documented their strong support for public policies that help workers build foundational literacy, numeracy, and digital skills.<sup>4</sup> In particular, many small businesses draw on federal or state funding via incumbent-worker training programs to upskill their existing workforce to meet changing labor market demands.<sup>5</sup>

But many small and mid-sized businesses (SMBs) lack in-house counsel or even a dedicated Human Resources position. If an employee expresses the fear that participating in an in-house digital skills or ESOL class might jeopardize their immigration status, an SMB

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<sup>4</sup> Please see the full text of ***Big Insights from Small and Mid-Sized Businesses*** (National Skills Coalition, 2025), viewable at: [https://nationalskillscoalition.org/wp-content/uploads/2025/10/BLU\\_BigInsights\\_Oct\\_2025.pdf](https://nationalskillscoalition.org/wp-content/uploads/2025/10/BLU_BigInsights_Oct_2025.pdf)

<sup>5</sup> Please see the full text of ***Funding Resilience*** (National Skills Coalition, 2020), viewable at: <https://nationalskillscoalition.org/wp-content/uploads/2020/12/08-18-2020-NSC-Funding-Resilience.pdf>

will be placed in the impossible position of trying to reassure a valued employee without overstepping by offering immigration legal advice that they are ill-equipped to provide.

The stakes are high: An employer who inappropriately *reassures* a worker might later learn that the worker's enrollment in the publicly funded class has threatened their immigration status. But an employer who inappropriately warns a worker *away* from such a class will be excluding them from a skill-building opportunity that would equip them for promotion and higher wages, not to mention undercutting the company's own ability to fill a needed role.

***The proposed rule would impose new compliance costs.***

Community colleges and nonprofit organizations that provide adult education and workforce development services employ staff such as advisors and counselors who are already tasked with helping their students make informed decisions about a wide range of publicly funded programs. Advising students about whether and how to access financial aid, as well as vital supportive services such as healthcare, childcare, and nutrition assistance, are core responsibilities of these staff members and are being made significantly harder by the increased complexity caused by this proposed regulation.

If this regulation is enacted, colleges and other education and workforce providers will have to provide substantial new professional development training to ensure that their staff are providing accurate guidance to students. This training is time-consuming and costly, especially given that many organizations are simultaneously having to update their staff on recent changes to the Medicaid and SNAP programs passed by Congress as part of H.R. 1 (“One Big Beautiful Bill Act”). As noted above, the lack of clarity in DHS’s proposed rule will make it exceptionally difficult to give staff straightforward guidance in how they should guide students in weighing the costs and benefits of enrolling in specific programs.

***The proposed rule would undercut state and local education and workforce policy goals.***

DHS’s proposed rule would damage state and local governments’ ability to support their residents in achieving higher education and workforce policy goals. State and local governments regularly advance policies to improve the education and employability of their residents. For example, more than 40 states have established goals for postsecondary credential attainment, such as having 60 percent of state residents earn a college degree

or other postsecondary credential.<sup>6</sup> Many states won't be able to reach their ambitious goals without including their immigrant residents.

To accomplish these goals, states have established programs and services to equip returning adult students to persist and succeed in their education, including through assistance in accessing key public benefits. For example, in 2018 Illinois passed Senate Bill 351, known as the College Hunger Bill, to facilitate access to SNAP benefits for certain low-income college students.<sup>7</sup> Research has shown that supportive services that help individuals access public benefits programs are often vital to ensuring that working adults succeed in postsecondary education.<sup>8</sup>

But as described above, the proposed rule creates substantial uncertainty, thus creating a disincentive for immigrants to participate in the very programs that are intended to help them succeed in their education and contribute economically. As a result, the proposed federal regulation would undercut state and local efforts to invest in the human capital of their residents, by discouraging qualified immigrants from even applying for public benefits programs.

***The rule would increase college students' financial instability and heighten their risk of dropping out.***

Many college students are part of larger households – either as adult children or as spouses and parents themselves. This is especially true for community college students, whose average age is 26 years old. According to the National Center for Education Statistics, one-third of students at public community colleges have family income of less than \$20,000 per year.<sup>9</sup> Penalizing immigrant students for accessing public benefits would send an earthquake across these financially fragile households, making it more likely that students would need to cut back on their course load and/or withdraw from education altogether. The long-term effects of these events would be to reduce higher education

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<sup>6</sup> States with Higher Education Attainment Goals (Strategy Labs, 2024), viewable at: [https://luminafoundation.org/stronger-nation/report/static/States\\_with\\_Higher\\_Education\\_Attainment\\_Goals.pdf](https://luminafoundation.org/stronger-nation/report/static/States_with_Higher_Education_Attainment_Goals.pdf)

<sup>7</sup> "Governor signs College Hunger Bill, assuring low-income community college students can access food security via SNAP," (Chicago Coalition for the Homeless, n.d.) Viewable at: <http://www.chicagohomeless.org/governor-signs-sb315-assuring-low-income-community-college-students-can-access-food-security-through-snap/>

<sup>8</sup> *Connecting College Students to Alternative Sources of Support: The Single Stop Community College Initiative and Postsecondary Outcomes* (Rand Corp., 2016), viewable at: <https://tacc.org/sites/default/files/documents/2018-08/rand-connecting-college-students.pdf>

<sup>9</sup> Community College FAQs (Community College Research Center, Columbia University, n.d.), viewable at: <https://ccrc.tc.columbia.edu/Community-College-FAQs.html>

attainment among some of the very students who most need to build a strong economic footing for themselves, their families, and their American communities.

### **What DHS should do**

DHS should withdraw its proposed rule and leave the current regulations (as codified in the 2022 rule) in effect.

If DHS decides to develop an alternative rule, such rule must be open to full public notice and comment. Any guidance or tools that are created to direct officers' decisions should also be made available for notice and comment because of their significant impact.<sup>10</sup>

The Department should immediately clarify that any changes in the policy, whether through regulation or guidance, will be only forward-looking, and that immigration officers will be directed not to consider any benefits received during a time when the stated policy of the United States was that use of such benefits would not have adverse immigration consequences. Such a clear statement was included in both the 2018 notice of proposed rulemaking<sup>11</sup> and the 2019 final rule.<sup>12</sup>

Our comments include numerous citations to supporting research and relevant documents, including direct links for the benefit of DHS in reviewing our comments. We direct DHS to each of the documents cited and made available to the agency through active hyperlinks, and we request that the full text of each of the items cited, along with the full text of our comments, be considered part of the administrative record in this matter for purposes of the Administrative Procedure Act.

Thank you for your thoughtful consideration of these comments and action in response to the concerns we raise.

Sincerely,

Amanda Bergson-Shilcock  
Senior Fellow  
National Skills Coalition  
amandabs@nationalskillscoalition.org

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<sup>10</sup> Administrative Conference of the United States. *Interpretive Rules of General Applicability and Statements of General Policy*. Recommendation 76-5. n.d. Accessed November 25, 2025. <https://www.acus.gov/sites/default/files/documents/76-5.pdf>.

<sup>11</sup> Department of Homeland Security. *Inadmissibility on Public Charge Grounds*. October 10, 2018, 83 Federal Register 51114 (2018 NPRM). <https://www.federalregister.gov/d/2018-21106/p-1274>.

<sup>12</sup> Department of Homeland Security. *Inadmissibility on Public Charge Grounds*. August 14, 2019, 84 Federal Register 41292 (2019 Final Rule). <https://www.federalregister.gov/d/2019-17142/p-627>.