

10 December 2018

Samantha Deshommes
Chief
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

RE: DHS Docket No. USCIS-2010-0012

Dear Ms. Deshommes:

TESOL International Association (TESOL) has serious concerns regarding the U.S. Department of Homeland Security's proposal to change the public charge criteria by which immigrant applicants seeking admission into the United States may be determined to be inadmissible. At the heart of TESOL's concern is the Department's correlation between English language proficiency, education level, and employability and the assertion that "English language proficiency is a skill that is relevant in determining whether an alien is likely to become a public charge in the future."

Although English is the dominant language in the United States, there is no "official" language as determined by law. Congress has set naturalization requirements for obtaining *citizenship* that includes English language skills. However, no such language requirements have been legislated for *immigration*. Any criteria or requirements for naturalization should be different than those for immigration. Simply using the language proficiency requirements in the naturalization process for the purposes of vetting immigration applications is not appropriate.

This proposal relies on a flawed correlation between English proficiency, education level, and the possible use of public benefits. There is a sizeable population of English learners in the United States who make positive contributions to their local communities and economies, despite their limited English proficiency. Moreover, as demonstrated in the Department's own rationale, a majority of noncitizens who self-identified as speaking English either "not well" or "not at all" did not receive any public benefits.

In addition, the methodology used by the Department to identify English language proficiency is unreliable. There is no official definition for speaking English "very well," "well," or "not at all." The limited English proficient category in the U.S. Census is simply based on self-reporting. There is no objective measure of language proficiency that is included as part of the census, and as such this category has not been validated by any empirical evidence. Significant time and

resources would be needed to develop a valid and reliable methodology and measure of language proficiency before any such proposal could be implemented.

While this proposal aims to use English language proficiency as a factor when determining admission to the United States, it may actually have a chilling effect on legal residents who are trying to strengthen their English language proficiency through adult education and workforce training programs. The Department's proposal does not include participation in education and workforce programs as part of the definition of public charge; however, programs are reporting that participants are withdrawing out of fear that their participation will be used against them. Rather than encouraging English language skills for immigrants, this proposal may have the reverse effect of discouraging English learners in the United States from seeking out ways to improve their language proficiency.

The United States is a diverse and multilingual nation with a long and celebrated history of welcoming and providing opportunities to immigrants and new Americans. It is also widely recognized that English language skills are useful to life in the United States, as demonstrated by the millions of individuals who participate in adult English for speakers of other languages (ESOL) classes annually. This proposal not only contradicts these established practices and values but may also inhibit the growth of English language skills by English learners across the nation. TESOL is committed to advancing excellence in English language education, supporting multilingualism, and fostering welcoming environments for all English learners. TESOL has serious concerns regarding this proposal and strongly urges the Department to reconsider implementing it.

Thank you for the opportunity to provide input and for your thoughtful consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Christopher Powers". The signature is written in a cursive, flowing style.

Christopher Powers
Executive Director