



1350 I STREET NW
SUITE 700
WASHINGTON, DC 20005
202-588-5180
NWLC.ORG

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Submitted via <https://www.regulations.gov>

Department of the Treasury
Internal Revenue Service
P.O. Box 7604, Ben Franklin Station
Washington, DC 20044

Re: Comments in Response to: Application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to the Refunded Portion of Certain Federal Refundable Tax Credits [IRS-2026-1057-0001]

On behalf of the National Women's Law Center (NWLC), we submit these comments in opposition to the above-referenced Notice of Proposed Rulemaking issued by the U.S. Department of Treasury's (the Treasury) Internal Revenue Service (IRS) on August 20, 2026.¹

Since 1972, NWLC has fought for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. NWLC advocates for improvement and enforcement of our nation's employment and civil rights laws, with a particular focus on the needs of women with low incomes and their families, communities of color, and others who face historic and systemic barriers to equality and economic security. These communities would be harmed by the Proposed Rule, which would arbitrarily deny the refundable portions of certain tax credits to many lawfully present immigrants and their families.

Since its passage in 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) has restricted eligibility for several federal public benefit programs, including Temporary Assistance for Needy Families (TANF) and Medicaid, to "qualified immigrants," subject to certain exceptions. This rule proposes to restrict eligibility for refundable portions of certain federal income tax credits—the Earned Income Tax Credit (EITC), the Child Tax Credit (CTC), the American Opportunity Tax Credit (AOTC), and the Adoption Tax Credit—by classifying them as "Federal public benefits" under PRWORA. Those affected would include immigrants with Temporary Protected Status, asylum applicants, victims of serious crimes holding U visas, and recipients of Deferred Action for Childhood Arrivals (DACA).

NWLC has joined comments filed by Protecting Immigrant Families (PIF), UnidosUS, and Children Thrive Action Network (CTAN) (and signed by more than 100 additional organizations), because we share the view expressed in those comments that:

¹ Application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to the Refunded Portion of Certain Federal Refundable Tax Credits, 91 Fed. Reg. 53812 (Aug. 20, 2026).

- Since most of the tax credits impacted by the regulation—including the EITC and CTC—already include strict Social Security Number (SSN) requirements, the practical effect of this Proposed Rule would be to strip away credits from lawfully present immigrants who are already following the law by filing tax returns.
- The Proposed Rule would significantly harm children in immigrant families, including U.S. citizen children in mixed-status families, by preventing them from accessing these credits and their well-researched benefits to children’s health, well-being, education, development, and future employment attainment.²
- The Proposed Rule targets the refundable portion of the credits which would disproportionately harm children in low-income immigrant families. The poverty rate among U.S. citizen children in mixed-status families is 31.5 percent³—more than three times the rate among citizen children living in full citizen households—and the Proposed Rule would only worsen many of these families’ economic precarity.

The Treasury’s interpretation of PRWORA is arbitrary and capricious, and would disproportionately harm immigrant women, who are especially likely to rely on the refundable portions of these credits. For the reasons detailed in the comments that follow, the Treasury should immediately withdraw its current proposal and instead dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families.

I. The Proposed Rule fails to meet the requirements of the Administrative Procedure Act.

The Administrative Procedure Act (APA)⁴ requires that an agency “examine the relevant data and articulate a satisfactory explanation for its action, including a ‘rational connection between the facts found and the choice made.’”⁵ It also requires that an agency changing a settled position provide good reasons for the new policy and account for whether the prior rule has engendered “serious reliance interests” among affected parties.⁶

The Treasury has met none of these standards in its novel interpretation of PRWORA. Instead, it has put forth an interpretation of PRWORA that upends a 30-year settled position while ignoring overwhelming evidence in the congressional record that contradicts this new

² See, e.g., David W. Brown et al., “Long-Term Impacts of Childhood Medicaid Expansions on Outcomes in Adulthood,” 87 REV. ECON. STUD. 792, 800 (2020), <https://doi.org/10.1093/restud/rdz039>; Martha J. Bailey et al., “Is the Social Safety Net a Long-Term Investment? Large-Scale Evidence from the Food Stamps Program” 91 REV. ECON. STUD. 1291 (2023), <https://doi.org/10.1093/restud/rdad063>.

³ Dolores Acevedo-Garcia, Pamela K Joshi, Emily Ruskin, et. al., “Including Children in Immigrant Families in Policy Approaches to Reduce Child Poverty,” 21 ACAD. PEDIATRICS 117, 120 (December 2021), <https://www.sciencedirect.com/science/article/pii/S1876285921003752>.

⁴ 5 U.S.C. §§ 551-559.

⁵ *Motor Vehicle Manufacturers’ Ass’n v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

⁶ See *FDA v. Wages & White Lion Invs., LLC*, 145 S. Ct. 898, 916 (2025) (naming the “change-in-position” doctrine): “[a]gencies are free to change their existing policies as long as they provide a reasoned explanation for the change,” “display awareness that [they are] changing position,” and consider “‘serious reliance interests.’” See also *Encino Motorcars, LLC v. Navarro*, 579 U. S. 211, 221–222 (2016) (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009)).

interpretation. It has also failed to account for many of the impacts of the Proposed Rule, including those on lawfully present, work-authorized immigrants and their families, the tax system, and state refundable tax credits. For these reasons, the Proposed Rule is arbitrary and capricious under the APA, and should be withdrawn.

A. The Treasury has not articulated a satisfactory explanation for its novel interpretation of PRWORA.

Under the APA, agency rulemaking is arbitrary and capricious if it “has...offered an explanation for its decision that runs counter to the evidence before the agency.”⁷ In this Proposed Rule, the Treasury has provided an interpretation of PROWRA that runs counter to 30 years of congressional action, in which Congress has consistently treated immigrant eligibility for refundable tax credits as distinct from immigrant eligibility for Federal public benefits.

Congress first indicated this distinction within the text of PROWRA itself. When Congress passed the law in 1996, it included a requirement that taxpayers, and their spouses and children if applicable, have Social Security Numbers in order to claim the EITC. Social Security Numbers (SSNs) are issued by the Social Security Administration to U.S. citizens and qualifying noncitizens who are authorized to work or have a valid non-work reason.⁸ This SSN requirement for the EITC is very different, both in application and scope, from PROWRA’s eligibility restrictions on Federal public benefits, which hinge on the taxpayer’s specific immigration status. Nowhere in PROWRA does it state that these Federal public benefit restrictions apply to the EITC or any other refundable tax credit.

After the passage of PROWRA, Congress continued to set immigrant eligibility rules for refundable tax credits that differ from PROWRA’s eligibility criteria for Federal public benefits. These instances include the stimulus payments under the Economic Stimulus Act of 2008; the Making Work Pay Credit under the American Recovery and Reinvestment Act of 2009; the Child Tax Credit (CTC) expansion in the 2017 Tax Cuts and Jobs Act; and the stimulus payments under the 2020 CARES Act. Most recently, in the 2025 One Big Beautiful Bill Act (OBBBA), Congress added SSN requirements for the Child Tax Credit, American Opportunity Tax Credit, and Lifetime Learning Tax Credit.⁹ If Congress had intended for PROWRA’s Federal public benefit restrictions to also apply to refundable tax credits, there would be no reason to also impose SSN requirements on these refundable tax credits.

The Proposed Rule arbitrarily disregards these laws, as well as express language in the tax code providing that non-citizens are eligible to claim the EITC, CTC, and AOTC if they have a Social Security Number (SSN).¹⁰ Therefore, it is arbitrary and capricious under the APA.

⁷ *Motor Veh. Mfrs. Ass’n v. State Farm Ins.*, 463 U.S. 29, 43 (1983).

⁸ Social Security Administration, “Request Social Security Number for the First Time” (accessed Oct. 5, 2026), <https://www.ssa.gov/number-card/request-number-first-time>.

⁹ NAT’L IMMIG. L. CTR., THE ANTI-IMMIGRANT POLICIES IN TRUMP’S FINAL “BIG BEAUTIFUL BILL,” EXPLAINED (July 2025), <https://media.nilc.org/wp-content/uploads/2025/07/The-Anti-Immigrant-Policies-in-Trumps-Final-Big-Beautiful-Bill-Explained-.pdf>.

¹⁰ The Adoption Tax Credit does include certain immigration restrictions regarding the adopted child. To receive the credit under “special needs” treatment, the child must have been a U.S. citizen or resident when the adoption

B. The Treasury failed to consider many important aspects of its novel interpretation of PRWORA.

The Supreme court has established that “an agency may not entirely fail to consider an important aspect of the problem when deciding whether regulation is appropriate.”¹¹ The Treasury has entirely failed to consider many important aspects of its novel interpretation of PRWORA, including its impact on immigrant families, the tax system, and state refundable tax credits.

First, the IRS did not consider the full impact of the Proposed Rule on immigrant families and communities, including “qualified” immigrants who would remain fully eligible for the credits. In the preamble to the Proposed Rule, the Treasury estimates that “a range of 200,000 to 700,000 taxpayers (0.8 to 2.8 percent) would likely be ineligible” because of the new eligibility restrictions.¹² However, this number only includes the individual taxpayers, not the members of their households who would also be impacted by the loss of these credits. One estimate found that 602,000 people, including 279,000 children, live in families that could lose eligibility for the refundable portion of the EITC, and 1,033,000 people, including 523,000 children, live in families that could lose eligibility for refundable portion of the CTC.¹³ Approximately 515,000 people, including 258,000 children, live in families that could lose eligibility for both. And 9 out of 10 of the children who would lose access to one or both credits are U.S. citizens.¹⁴ Additionally, the Proposed Rule would affect more than 158,000 people living in households with a DACA recipient.¹⁵

Furthermore, the Treasury does not consider the potential chilling effect of its proposed restrictions on even “qualified” immigrant taxpayers. The restrictions would require filers to provide personal information about their immigration statuses, which some tax filers might be hesitant to give. In 2025, the IRS unlawfully provided confidential tax filer data to the Department of Homeland Security (DHS) in order to enable the administration’s unprecedented immigrant detentions and deportations.¹⁶ Although courts have stopped this unlawful data

process began. BRENDAN McDERMOTT, CONG. RSCH. SERV., ADOPTION TAX BENEFITS: AN OVERVIEW (May 2025), <https://www.congress.gov/crs-product/R44745>.

¹¹ *Michigan v. EPA*, 135 S.Ct. 2699, 2707, 2711 (quotations and alterations omitted) (EPA’s failure to pay attention to a regulation’s potential costs rendered the rule unreasonable).

¹² 91 Fed. Reg. 53812 at 53819.

¹³ INST. ON TAX’N AND ECON POL’Y AND CTR. ON POVERTY AND SOC. POL’Y, NEW ESTIMATES OF THE TOTAL NUMBER OF PEOPLE AND CHILDREN IN IMMIGRANT FAMILIES WHO COULD LOSE ELIGIBILITY FOR THE REFUNDABLE PORTIONS OF THE EARNED INCOME TAX CREDIT AND CHILD TAX CREDIT (Oct. 2026), <https://povertycenter.columbia.edu/joint-report/immigrant-families-who-could-lose-eitc-ctc>.

¹⁴ *Id.*

¹⁵ NAT’L IMMIG. L. CTR., FAQ: THE FEDERAL GOVERNMENT WANTS TO DENY REFUNDABLE TAX CREDITS TO MANY IMMIGRANTS (Sept. 2026), <https://www.nilc.org/resources/faq-the-federal-government-wants-to-deny-refundable-tax-credits-to-many-immigrants/>.

¹⁶ CTR. ON BUDGET AND POL’Y PRIORITIES, IN RADICAL DEPARTURE FROM LONG-STANDING POLICY AND FEDERAL LAW, TRUMP ADMINISTRATION PROPOSES NEW REGULATION TO TAKE TAX CREDITS AWAY FROM MANY FAMILIES THAT INCLUDE IMMIGRANTS WITH LAWFUL STATUS (Sept. 2026), <https://www.cbpp.org/research/federal-tax/in-radical-departure-from-long-standing-policy-and-federal-law-trump>.

sharing,¹⁷ tax filers could be rightfully wary of sharing their immigration status information with the IRS. These actions have created widespread fear resulting in many immigrants electing to not file tax returns and forgoing public benefits for which they are eligible.¹⁸ This new immigrant eligibility restriction would further discourage eligible immigrants from claiming the credits, or filing taxes altogether.

Second, the Treasury did not consider the immense complexity and confusion the Proposed Rule would introduce into the tax code. Under the Proposed Rule, taxpayers who claim any of the four affected refundable tax credits “would be required to provide a declaration under penalty of perjury stating that the individual is a U.S. citizen, U.S. national, or qualified alien who is eligible to receive the claimed refund under PRWORA.”¹⁹ By the agency’s own estimates, this requirement would apply to 24 million people.²⁰ No other program subject to PRWORA restrictions requires applicants to independently determine whether they have “qualified status.” “Qualified immigrant” is a benefit eligibility status,²¹ not an immigration status, and while individuals may know whether they have Legal Permanent Resident status (a green card), refugee status, asylum, DACA, or TPS, they may not know whether that immigration status makes them a “qualified immigrant.” Not only would this complicated requirement exacerbate the “chilling effect” for eligible tax filers, but it may also subject taxpayers who are honestly mistaken about having “qualified” status to steep penalties and possible jail time.²²

Additionally, tax professionals, community organizations, and Volunteer Income Tax Assistance (VITA) sites that help low-income families file tax returns would struggle to help immigrant tax filers determine their status, as these individuals and organizations are not fluent in immigration law or public benefit policy. Moreover, the Internal Revenue Service (IRS) would likely lack the capacity, expertise, and resources to aid taxpayers in determining their statuses.²³

Finally, the Treasury did not consider that this change to federal tax credits could potentially impact state tax credits. Thirty states and the District of Columbia have their own EITCs that are tied to the federal credit, including its eligibility criteria.²⁴ As a result, immigrant families eligible

¹⁷ *Ctr. for Taxpayer Rts. v. Internal Revenue Serv.*, 815 F. Supp. 3d 1 (D.D.C. 2025), https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2025cv0457-54; *Ctr. for Taxpayer Rts. v. Internal Revenue Serv.*, No. 26-5006 (D.C. Cir. Sept. 8, 2026), <https://media.cadc.uscourts.gov/opinions/docs/2026/09/26-5006-2191763.pdf>.

¹⁸ Miriam Jordan and Andrew Duehren, “Immigrants Are Scared to File Taxes. It Could Cost the U.S. Billions,” *THE NEW YORK TIMES*, April 14, 2026, <https://www.nytimes.com/2026/04/14/us/undocumented-immigrants-ice-tax-returnsirs.html>; Daniella Silva, “IRS agreement with ICE to share immigrants’ info could lead to billions less in tax revenue,” *NBC NEWS*, April 15, 2025, <https://www.nbcnews.com/news/us-news/immigrants-fear-deportation-filing-taxes-irs-iceagreement-rcna200822>.

¹⁹ 91 Fed. Reg. 53812 at 53817.

²⁰ *Id.* at 53818.

²¹ NAT’L IMMIGR. L. CTR., OVERVIEW OF IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS (TABLE) (September 2026), <https://media.nilc.org/2026/09/Overview-of-Immigrant-Eligibility-for-Federal-Program-Table-Sept.2026-final.pdf>.

²² “Section 7206 of the Code provides that willfully providing incorrect or untrue information on a tax return constitutes a felony. Penalties for violations of section 7206 include liability for a fine up to \$100,000 and being sentenced to up to 3 years in prison.” 91 Fed. Reg. 53812 at 53817.

²³ Urban Inst., Public Comment on Treasury’s Proposed Rule to Classify the Refunded Portion of Certain Refundable Tax Credits as Federal Public Benefits (Sept. 23, 2026), <https://www.urban.org/research/publication/public-comment-treasurys-proposed-rule-classify-refunded-portion-certain>.

²⁴ NEVA BUTKUS, INST. ON TAX’N AND ECON. POL’Y, THE IMPACT OF PROPOSED NEW TAX CREDIT RESTRICTIONS FOR IMMIGRANT FILERS: AN ANALYSIS OF STATE EITCs (June 2026), <https://itep.org/tax-credit-restrictions-immigrant-filers-eitc/>.

for the EITC could lose the benefit of both the federal and their state EITC, compounding the harm from this Proposed Rule.

For excluding any acknowledgment or analysis of these impacts, in addition to its failure to provide a reasonable explanation for its recent reinterpretation of longstanding federal law, the Proposed Rule is arbitrary and capricious under the APA.

II. The Proposed Rule would harm immigrant women by restricting their access to the EITC and CTC, which disproportionately benefit women and single mothers.

Refundable tax credits, like the EITC and CTC, provide refunds for low-income families who have little to no tax burden. The CTC is partially refundable, meaning that families with little to no tax liability can receive up to \$1,700 of the full \$2,200 credit. The CTC is intended to help families meet the costs of raising children, and the EITC is designed to benefit low- and moderate-income workers and their families. These refundable tax credits are especially valuable for women, who typically face a higher risk of economic insecurity than men because of pay disparities and other forms of discrimination, overrepresentation in low-paid work, and disproportionate responsibility for caregiving, among other factors.²⁵ In 2023, the EITC moved 1.2 million women out of poverty, including 292,000 Black women, 534,000 Latinas and 74,000 Asian American women.²⁶ The same year, the refundable portion of the CTC moved 535,000 women out of poverty, including 113,000 Black women and 246,000 Latinas.²⁷

The American Rescue Plan Act of 2021, which temporarily expanded the CTC by increasing its amount, making it fully refundable (so that low-income families could access the entirety of the credit), and allowing families the option to receive the credit in monthly payments, drastically reduced poverty rates, especially for women of color and families headed by women. In 2021, the expanded CTC lifted 1.5 million women out of poverty under the Supplemental Poverty Measure, including 575,000 Latinas and 351,000 Black women.²⁸

Research shows that the additional income from these refundable tax credits has specific benefits for women and mothers. For example, the federal EITC is associated with improved maternal self-rated health, fewer bad mental health days, and lower stress.²⁹ Additionally, the American Rescue Plan Act of 2021 demonstrated the immense value of expanding the CTC's refundability for women: Women used their monthly payments for basic expenses, such as child care, groceries, and rent payments.³⁰ The payments significantly reduced food insufficiency,

²⁵ NAT'L WOMEN'S L. CTR., THE BIG UGLY BILL IS MAKING FAMILIES GO HUNGRY (May 2026), <https://nwlc.org/wp-content/uploads/2026/05/The-Big-Ugly-Bill-Is-Making-Families-Go-Hungry.pdf>.

²⁶ NAT'L WOMEN'S L. CTR., BY THE NUMBERS: DATA ON KEY PROGRAMS FOR THE WELL-BEING OF WOMEN, LGBTQI+ PEOPLE, AND THEIR FAMILIES (May 2025), <https://nwlc.org/wp-content/uploads/2025/05/BY-THE-NUMBERS-Data-on-Key-Programs-for-the-Well-Being-of-Women-LGBTQI-People-and-Their-Families-Update-July-2025.pdf>.

²⁷ *Id.*

²⁸ NAT'L WOMEN'S L. CTR., BY THE NUMBERS: DATA ON KEY PROGRAMS FOR THE WELL-BEING OF WOMEN, LGBTQIA+ PEOPLE, AND THEIR FAMILIES 5 (Apr. 2024), https://nwlc.org/wp-content/uploads/2023/05/2024_NWLC_ByTheNumbers_Brief.pdf.

²⁹ William Evans and Craig Garthwaite, "Giving Mom a Break: The Impact of Higher EITC Payments on Maternal Health," 6 AM. ECON. J.: ECON. POL'Y 258 (2014), <http://dx.doi.org/10.1257/pol.6.2.258>.

³⁰ BROOKE LEPAGE AND SARAH JAVAID, NAT'L WOMEN'S L. CTR., BLACK, NON-HISPANIC WOMEN AND LATINAS

and Black women and Latinas were especially likely to use their payments for food.³¹ The payments also helped mothers with the difficult balance of working and taking care of their children. After the payments, fewer parents said they were unemployed because of their child care responsibilities, and in one survey, a quarter of parents said that the payments helped them overcome certain hurdles to return to work.³²

The expanded CTC was particularly impactful for single mothers. Before the expansion, single mothers received 11 percent of their income from the CTC, and after the expansion, that jumped to 20 percent.³³

A. The Proposed Rule would prevent many immigrant women from accessing the EITC and the refundable portion of the CTC.

Immigrant women are even more likely to have low incomes as compared to U.S.-born women, and so especially benefit from refundable tax credits like the EITC and CTC. Immigrant women are paid less on average than U.S.-born women³⁴ and are disproportionately represented in essential but underpaid jobs in health care, child care, and the service sector.³⁵ Many immigrant women are caring for children, which can increase financial strain—especially for mothers supporting children on their own.³⁶

Unfortunately, immigrant women and mothers have been increasingly excluded from these valuable credits. PRWORA imposed the requirement of a Social Security Number on immigrants seeking to claim the EITC in 1996, but there were no restrictions on immigrant access to the CTC until 2017, when the Tax Cuts and Jobs Act was passed under the first Trump administration. Before 2017, parents could claim the CTC as long as they and the children claimed had an Individual Taxpayer Identification Number (ITIN), a tax number for tax filers who lack SSNs.

USE ADVANCE CHILD TAX CREDIT TO COVER NECESSITIES AND PAY DOWN DEBT IN THE LAST MONTH OF PAYMENTS (Jan. 2022), <https://nwlc.org/wp-content/uploads/2022/01/PulseWeek40FS-1.pdf>.

³¹ *Id.*

³² NAT'L WOMEN'S L. CTR. AND GEORGETOWN L.: CTR. ON POVERTY AND INCOME INEQUALITY, CLOSING THE GAP: HOW EXPANDING REFUNDABLE TAX CREDITS ADVANCES AFFORDABILITY AND EQUITY FOR WOMEN OF COLOR (July 2026), <https://nwlc.org/resource/closing-the-gap-how-expanding-refundable-tax-credits-advances-affordability-and-equity-for-women-of-color/>.

³³ TAX POL'Y CTR., HOW WELL CAN LIMITED DATA PREDICT ANNUAL TAX CREDITS THE IMPORTANCE OF THE EARNED INCOME TAX CREDIT, CHILD TAX CREDIT, AND AN OPTION FOR ADVANCING CREDITS (Oct. 2022), https://taxpolicycenter.org/sites/default/files/publication/164312/how_well_can_limited_data_predict_annual_tax_credits.pdf.

³⁴ *See, e.g.*, INST. FOR WOMEN'S POL'Y RES., STATUS OF WOMEN IN THE STATES: SPOTLIGHT ON IMMIGRANT WOMEN (2018), <https://statusofwomendata.org/immigrant-women/>.

³⁵ *See, e.g.*, ASHIR COILLBERG, NAT'L WOMEN'S L. CTR., IMMIGRANT WOMEN'S CONTRIBUTIONS TO OUR ECONOMY (May 2025), <https://nwlc.org/wp-content/uploads/2025/05/Immigrant-Workers-FS-5.9.25v1.pdf>; Karla Coleman-Castillo & Veronica Faison, NAT'L WOMEN'S L. CTR., FOUR THINGS YOU SHOULD KNOW ABOUT HOW IMMIGRATION IMPACTS CARE WORK, (April 2025), <https://nwlc.org/wp-content/uploads/2025/04/Four-Things-You-Should-Know-About-How-Immigration-Impacts-CareWork-2.pdf>.

³⁶ *See* JEANNE BATALOVA, MIGRATION POL'Y INST., IMMIGRANT WOMEN AND GIRLS IN THE UNITED STATES (March 2020), <https://www.migrationpolicy.org/article/immigrant-women-united-states>.

However, the 2017 law required that children claimed for the CTC have SSNs, a requirement that prevents 1 million immigrant children and their families from benefiting from the credit.³⁷ In 2025, OBBBA restricted immigrant families' access to the CTC even further, by requiring that at least one parent have an SSN to claim the credit, preventing an additional 2.6 million citizen children in immigrant families from benefiting.³⁸ If finalized, this Proposed Rule would prevent even more immigrant women and their families from accessing the EITC and CTC, even if they meet these SSN requirements.

Under the Proposed Rule, tax filers who are not “qualified immigrants” but otherwise eligible can still theoretically benefit from the EITC and CTC if they have sufficient tax liability. However, in practice, because immigrant women are more likely to have low incomes and so little to no tax liability, the restrictions in the Proposed Rule would prevent many immigrant women from benefiting from these credits at all. For example, currently 19 million children in low-income families are not able to receive the full CTC because their families have incomes that are too low, including 60% of children in families headed by mothers.³⁹

Furthermore, even if they are “qualified immigrants,” many eligible immigrant women may be reluctant to claim these credits because of the requirement that they attest to their immigrant status “under penalty of perjury”—a fraught requirement in the context of IRS’ illegal data sharing and the administration’s excessive enforcement actions. And so, this Proposed Rule would prevent many immigrant women from accessing a source of income support they need to support their families and may have relied upon for years.

B. The Proposed Rule would harm the economy, including industries in which immigrant women predominate, such as the child care sector.

Women make up almost two-thirds of the workforce in the 40 lowest-paying jobs in our economy, and immigrant women in particular are overrepresented in jobs for which demand is high but pay is low, such as housekeeping, home care, child care, retail, and food service jobs.⁴⁰ Care work is one low-paid field in which immigrant women are especially overrepresented: One in five child care workers are immigrants, as are more than one in four direct care workers (who help older adults and people with disabilities with dressing, bathing, eating and other daily tasks).⁴¹ Despite being essential for children, older adults, and people with disabilities, care work remains undervalued, underpaid, and plagued by workforce shortages as a result of poor job quality. Overall, the median hourly wage of early childhood educators and home care workers in 2025 were \$16.82 and \$17.21, respectively.⁴²

³⁷ CTR. ON BUDGET AND POL’Y PRIORITIES, TAX BILL ENDS CHILD TAX CREDIT FOR ABOUT 1 MILLION CHILDREN (Dec. 2017), <https://www.cbpp.org/blog/tax-bill-ends-child-tax-credit-for-about-1-million-children>.

³⁸ NAT’L IMMIG. L. CTR., THE ANTI-IMMIGRANT POLICES, *supra* note 9.

³⁹ KRIS COX, CTR. ON BUDGET AND POL’Y PRIORITIES, MOST OF THE 19 MILLION CHILDREN LEFT OUT OF THE FULL CHILD TAX CREDIT HAVE PARENTS IN LOW-PAYING JOBS; POLICYMAKERS SHOULD EXPAND IT (Sept. 2026), <https://www.cbpp.org/blog/most-of-the-19-million-children-left-out-of-the-full-child-tax-credit-have-parents-in-low>.

⁴⁰ Sarah Javaid, Nat’l Women’s L. Ctr., Hard Work Is Not Enough: Women in Low-Paid Jobs (June 2026), <https://nwlc.org/wp-content/uploads/2023/07/Hard-Work-Is-Not-Enough-Women-in-Low-Paid-Jobs-1.pdf>.

⁴¹ COLEMAN-CASTILLO & FAISON, *supra* note 35.

⁴² U.S. Bur. of Lab. Stat., “Occupational Outlook Handbook” (accessed Oct. 5, 2026), <https://www.bls.gov/ooh/education-training-and-library/>.

Many immigrant women in low-paid jobs such as care work rely on refundable tax credits like the EITC and CTC to supplement their income, help them make ends meet, and support themselves and their families. Further restricting immigrant access to these credits would increase these workers' economic precarity and may exacerbate the existing shortage of child care and direct care workers, leaving many families across the country without access to the care they need and further destabilizing the child care system.

III. Conclusion

For the reasons set forth above, the Treasury should immediately withdraw this Proposed Rule, which would arbitrarily deny thousands of immigrant families access to valuable refundable tax credits, especially harm the economic security of immigrant women and their families, and deeply affect the industries in which immigrant women workers predominate. The Treasury should dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families.

Please note that our comments include numerous citations to supporting research and relevant documents, including direct links for the benefit of the Treasury in reviewing our comments. We direct the Treasury to each of the studies or 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.

We appreciate your consideration and the opportunity to comment on this Proposed Rule. Please do not hesitate to contact Kat Menefee (kmenefee@nwlc.org) if you have any questions or would like further information regarding the issues raised in these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Menefee', with a stylized, flowing script.

Kat Menefee
Senior Counsel, Income Security