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Room 5503, Internal Revenue Service
P.O. Box 7604, Ben Franklin Station, Washington, DC 20044

**Re: Proposed Rule on the Application of the Personal Responsibility
and Work Opportunity Reconciliation Act to the Refunded Portion of Certain
Federal Refundable Tax Credits, IRS-2026-1057-0001**

This comment is submitted by poverty and social policy researchers at the Center on Poverty and Social Policy at Columbia University. Our center produces rigorous research that examines the effects of poverty on children, families, and communities in the U.S., nationally, by state, and in New York City. We also assess the impact of social policies and programs, including refundable tax credits, on economic well-being and opportunity; we have a large body of research work and expertise on the Child Tax Credit, as well the Earned Income Tax Credit. We also have a particular research focus on children in immigrant families and the safety net policies that affect them as part of our recently launched Research to Action Hub for Children in Immigrant Families, in collaboration with the Boston University Institute for Equity in Child Opportunity and Healthy Development and the Institute on Taxation and Economic Policy.

The Internal Revenue Service’s Notice of Proposed Rulemaking published on August 20, 2026, states “that the refunded portion of certain refundable Federal income tax credits available to individuals is a ‘Federal public benefit’ under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). As a result, aliens who are not “qualified aliens” under PRWORA would be ineligible to receive the refunded portion of these refundable credits. These regulations would generally affect taxpayers claiming the following Federal income tax credits: the adoption tax credit [ATC], the American opportunity tax credit [AOTC], the child tax credit [CTC], and the earned income credit [or Earned Income Tax Credit, EITC]”.

We write to express concern that this rule change: (1) represents a major departure from the application of prior laws and policies dealing with immigrant eligibility for federal tax credits; (2) could result in significant limitations in eligibility, including direct effects on hundreds of thousands of U.S. citizen children; (3) has the potential to further contribute to chilling effects in immigrant communities and reduce participation in the tax system and safety net; and (4) would mean a loss of important family tax credits that are proven to support and improve well-being – with the potential to substantially negatively affect children and families moving forward.

This rule represents a major departure from the application of prior laws and policies dealing with immigrant eligibility for federal tax credits.

The proposed rule itself notes that Treasury and the IRS never previously considered tax benefits “including refundable credits,” as “Federal public benefits” under PRWORA.¹ For decades, federal agencies have consistently identified which programs are “Federal public benefits” and did not include federal tax credits (including the refundable portions). In 2025, five federal

agencies (the Department of Justice, the Department of Agriculture, the Department of Education, the Department of Labor, and the Department of Health and Human Services) departed from longstanding precedent and attempted to apply PRWORA’s immigrant eligibility restrictions to a broader suite of programs.² States sued and the federal agency efforts to expand these restrictions were largely blocked by the courts.³

The proposed rule also contradicts immigrant eligibility for refundable tax credits established and confirmed repeatedly in law by Congress over decades – including, most recently, P.L. 119-21 (H.R.1, or the ‘One Big Beautiful Bill Act of 2025’). In the 2025 law, Congress specified which immigrants were eligible for the CTC, AOTC, and Lifetime Learning Tax Credit in a way that differed from PRWORA’s “Federal public benefits” criteria. Similar specifications for immigrant eligibility for tax credits in federal law that differ from PRWORA’s “Federal public benefits” criteria also occurred for economic stimulus payments in 2008 (under the Economic Stimulus Act) and 2020 (under the Coronavirus Aid, Relief, and Economic Security (CARES) Act), as well as the Making Work Pay Credit in 2009 (under the American Recovery and Reinvestment Act (ARRA) and the CTC changes in 2017 (under the Tax Cuts and Jobs Act). Going further back, Congress also specified eligibility for children in immigrant and mixed status families for the EITC in 1996 under the PRWORA legislation itself – and, notably, did not indicate that the EITC was to be treated as a “Federal public benefit”.

This rule could result in significant limitations in eligibility, including direct effects on hundreds of thousands of U.S. citizen children.

Our research center, in collaboration with the Boston University Institute for Equity in Child Opportunity and Healthy Development and the Institute on Taxation and Economic Policy, as part of our Research to Action Hub for Children in Immigrant Families, analyzed the proposed rule.⁴ We find that the proposed rule would affect primarily lawfully present immigrants authorized to work in the U.S. and their family members – including their children, almost all of whom are U.S. citizens themselves.

Specifically, our analysis estimates of the total number of people and the number of children in families at risk of losing eligibility for the refunded portions of the EITC and the ACTC, as these are the two largest refundable tax credits under the proposed rule. We find that:

- Approximately 602,000 people, including 279,000 children, live in families that could lose eligibility for the EITC.
- Approximately 1,033,000 people, including 523,000 children, live in families that could lose eligibility for the Additional Child Tax Credit (ACTC), the refundable portion of the federal CTC.
- Approximately 515,000 people, including 258,000 children, live in families that could lose eligibility for both the EITC and the ACTC.
- The vast majority of children who would lose eligibility are U.S. citizens: nearly 9 in 10 children losing eligibility for either or both credits are U.S. citizens.

We note in the brief that because current law already includes Social Security Number requirements for the EITC, CTC, and AOTC, most people at risk of losing access to these credits under the proposed rule are lawfully present immigrants authorized to work in the U.S. Because the proposed new eligibility criteria are based on the status of the tax filer, families would lose the credits based on the parents' status even when the children are U.S. citizens. Our results are of similar magnitude to other estimates publicly available as of the time of writing.⁵

This rule has the potential to further contribute to chilling effects in immigrant communities that reduce participation in the tax system and safety net.

The proposed rule is not the only income support and tax policy/program change immigrant families are facing. Taken together with the recently finalized Department of Homeland Security (DHS) 2026 Public Charge Ground of Inadmissibility rulemaking, plus revelations that the IRS has provided the tax filer addresses for the purposes of Immigration and Customs Enforcement (ICE) action⁶ as well as proposed new actions that including reports that the Administration is preparing to ask tax filers about their citizenship⁷, it is likely that immigrant families will experience increased fear and confusion about what they are eligible for and what accessing income supports and filing their taxes in general could mean for the safety of themselves and their families.

For years, surveys have shown that many immigrants believe receiving any kind of public benefit could affect their immigration status. Around the time of when the Trump Administration moved to first change the public charge rule in 2018 (which was finalized in 2020, then repealed under the Biden Administration, before a version of it was revived again in 2026) we surveyed New Yorkers as part of our long-running Poverty Tracker survey work in New York City. We found that nearly 15 percent of non-citizens have avoided public programs, and 30 percent of non-citizens have avoided a wide range of daily activities because they do not want to be asked about their immigration status.⁸ In 2019, the Urban Institute's Well-being and Basic Needs Survey saw similar levels with a more national sample, also finding that the chilling effect was twice as strong for families with children (over 20 percent for immigrant families with children compared to half as much for immigrant families without) and for low-income families with children, it was over 31 percent.⁹ The Urban Institute found that chilling effects surfaced across a wide range of programs and essential services – including many that would not have actually been affected by the public charge rule, including the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), school meals, free or reduced price medical care for uninsured people, and health insurance purchased through the Marketplace. And the final 2026 public charge rule confirmed chilling effects are part of the policy calculations: DHS estimated that roughly 1.3 million people would either disenroll from or forgo enrolling in benefits programs due to the public charge rule, the majority of which were not directly subject to public charge determinations themselves.¹⁰

This evidence indicates that another proposed policy change targeted to immigrant families and children, such as that in the proposed rule here, is likely to have a broader impact beyond just those directly impacted and a broader impact beyond just the refundable tax credit space.

Chilling effects from this proposed rule would likely further reduce access and takeup of refundable tax credits even among immigrant families who remain eligible. Chilling effects could play out – when combined with recent IRS/ICE data-sharing activities and the announcement about potential citizenship questions on tax returns, as well as general confusion about what immigrant status categories are eligible for what type of program – in terms of reduced tax filing among immigrant families in general, which would also have a large fiscal cost as well as household implications. Chilling effects from the proposed rule could also ultimately negatively affect access and takeup of other essential safety net, education, and health supports by immigrant families writ large, particularly immigrant families with children.

Chilling effects have the potential to increase poverty among both immigrants and U.S. citizens. One in four U.S. children has at least one immigrant parent.¹¹ But nearly 90 percent of children with immigrant parents are U.S.-born and therefore often eligible for important safety net programs, even if their parents are not.¹² Our center has examined the specific impacts of chilling effects on child poverty, both nationally and in our hometown of New York City.¹³ A 2018 New York City-specific analysis by our center found that chilling effects from proposed public charge changes at the time could negatively affect the incomes of 400,000 to 700,000 New York City residents and push 65,000 to 115,000 New Yorkers – including 45,000 children – into poverty. This could have increased the number of poor New Yorkers pre-pandemic by as much as 5%.¹⁴ In a 2019 analysis, our center found that an upper bound national estimate of a chilling effect of public charge changes could potentially result in as many as 7.9 million people – including 2.9 million U.S. citizen children – losing access to SNAP alone.¹⁵

This rule would prevent access to important family tax credits that are proven to support and improve child and family well-being.

The proposed rule would result in the loss of access to tax credits vital to child and family well-being. Two of the affected credits, the EITC and the CTC, that our center has researched in depth over the years, are two of the largest public expenditures on children and keep millions of children from poverty each year. Both credits are backed by decades of rigorous research evidence demonstrating the positive effects on a wide range of economic, health, and well-being outcomes in the short- and long-term for those who receive them. Beyond reducing poverty, these tax credits are associated with less housing and food insecurity, better child health and educational outcomes, and long-term gains in adult educational attainment, employment, income, and health.¹⁶ These benefits extend beyond recipient families to local communities and states by increasing economic activity,¹⁷ strengthening families' connection to the U.S. fiscal system, and promoting upward mobility and a sense of full citizenship.¹⁸

Both already have rules in place, through legislation, that clearly limit access to the credit for children in immigrant families – already denying the credits to millions of children, including many U.S. citizen children. As a result, the new proposed rule would go even further and predominantly affect U.S. citizen children in lawfully present, working immigrant families with Social Security Numbers who otherwise qualify for each credit.

Below are short summaries of the EITC and CTC's proven impacts, as compiled by our colleagues and partners in the Research to Action Hub for Children in Immigrant Families, the Boston University Institute for Equity in Child Opportunity and Healthy Development:

EITC

The Earned Income Tax Credit (EITC) supports low-income working families, especially those with children. To be eligible to claim the EITC, tax filers, their spouses, and all of their qualifying children must have Social Security numbers (SSNs).¹⁹ Current EITC eligibility already excludes 1.63 million U.S. citizen children in poverty because someone in their families does not have a Social Security Number.²⁰ As we note from our joint brief, the proposed rule would deny eligibility to an additional 279,000 children, almost 90% of whom are U.S. citizens.²¹ Although their parents have Social Security Numbers, these children would be denied benefits because their parents do not meet the definition of “qualified” immigrant under PRWORA.

Income support from the EITC has been shown – through studies from the 1990s through to today, looking at both federal and state EITC expansions – to consistently reduce poverty, improve child health and education outcomes, and increase socioeconomic mobility. Taking the EITC away from currently-eligible children in immigrant families is likely to increase poverty and reverse these benefits for affected children, most of whom are U.S. citizens.

Key findings from the evidence base on the EITC include:

Poverty Reduction: Newly released 2025 poverty estimates show that refundable tax credits (EITC and the refundable portion of the CTC) reduced the poverty rate by 1.8 percentage points, lifting 6.1 million people, including 3.3 million children, above the poverty line.²² Simulations from two National Academies of Sciences, Engineering, and Medicine consensus reports²³ find that expanding the EITC produces large reductions in child poverty, a finding corroborated by quasi-experimental evidence. The 1993 federal EITC expansion reduced poverty rates by 8 percentage points for female-headed families.²⁴

Child Health: Rigorous quasi-experimental studies of the 1993 federal EITC expansion have shown the EITC is associated with reductions in low birth weight, lower probability of preterm birth, and decreased probability of a low newborn health assessment score (e.g., a 5-minute Apgar score under 8).²⁵ Studies using county- and state-level EITCs similarly found improved birth weight and longer gestation, including across racial and ethnic subgroups.²⁶ A neighborhood-level study found that New York's state and local EITC expansions were associated with reduced low-birthweight rates in low-income neighborhoods.²⁷

The EITC is associated with higher physician ratings of child physical health²⁸, less food insecurity in the weeks and months following refund receipt²⁹, improved home environment quality (e.g., parent-child interaction) with the largest gains for children of unmarried mothers³⁰, and short-term improvements in behavioral issues.³¹ Two state-level studies found that the EITC is associated with an increase in the likelihood of children ages 6-14 having private health insurance and improved mother ratings of child health³², as well as improved health status among

children ages 11-14.³³ One study using combined federal and state EITC exposure across childhood found associations with better self-reported health and lower obesity in young adulthood, and lower likelihood of high blood pressure at older ages.³⁴

Maternal Health: The federal EITC is also associated with improved maternal self-rated health, fewer bad mental health days, and lower physiologic stress markers linked to negative health outcomes like heart attacks — mothers in the EITC expansion group had 23% fewer risky stress-marker conditions.³⁵ A separate study of the 1990 federal expansion found sizeable improvements in maternal well-being, including lower depression, and greater happiness and self-esteem, with the largest gains for married mothers.³⁶ A third study found federal EITC expansions reduced the number of poor mental health days for mothers overall, while more generous state EITCs specifically reduced the odds of a poor mental health day for married mothers.³⁷

Child Welfare: Several quasi-experimental studies find that higher EITC income and generosity reduce child maltreatment and child protective services (CPS) involvement, including self-reported CPS involvement in single mother families³⁸ and fewer reported neglect cases.³⁹ Refundable child-related tax benefits, including the EITC and CTC, have also been linked to decreased CPS referrals and reduced days spent in foster care.⁴⁰ Using a nationwide delay in EITC/CTC refund timing (the 2017 PATH Act) as a natural experiment, one study found state-level CPS report rates declined in the weeks following EITC and CTC refund receipt.⁴¹ Another study found that states adopting a refundable EITC saw foster care entries decline over time.⁴² Related studies have also found a decrease in foster care entries⁴³ and a reduction in hospital admissions for pediatric abusive head trauma.⁴⁴

Education: Research links childhood EITC exposure to higher test scores⁴⁵, high school and college graduation rates⁴⁶, and college enrollment.⁴⁷ Higher test scores driven by tax credit income are linked to both higher high school graduation rates and higher rates of college attendance.⁴⁸

Socioeconomic Mobility: Higher EITC benefits received in a first child's first year of life raise earnings in young adulthood, with larger effects for boys,⁴⁹ and higher EITC benefits during the teenage years increase the likelihood of being employed as an adult and raise adult earnings.⁵⁰ More generous EITC benefits throughout childhood are linked to higher income and a greater likelihood of employment in adulthood, with larger effects for children raised in married households.⁵¹ Children with greater EITC exposure throughout childhood are also less likely to live in poverty as adults, with the strongest effects for children exposed to EITC before age seven.⁵²

CTC

Under the proposed rule, the refundable part of the Child Tax Credit (the Additional CTC, or ACTC) would be deemed a “federal public benefit” under PRWORA and limited to only qualified immigrants and citizens.

Until recently, Congress had not restricted CTC eligibility for children in immigrant families. However, in 2017, the Tax Cuts and Jobs Act limited the CTC to children with work-authorized Social Security numbers. In 2025, Public Law 119-21 further restricted eligibility for the CTC by requiring a child and at least one parent in a filing household to have an SSN. In total, these rules exclude approximately 4 million children in immigrant or mixed status families from the CTC.⁵³ Even so, many work-authorized noncitizens who are not “qualified” under PRWORA remained eligible to claim the CTC for their children, most of whom are U.S. citizens. The proposed rule would make those children ineligible for this vital family support.

In 2024, the CTC reduced the child poverty rate⁵⁴ by 20%, from 16.6% to 13.3%.⁵⁵ Our center found that the CTC lifted 2.4 million children out of poverty that year based on the Supplemental Poverty Measure.⁵⁶

In 2021, Congress temporarily expanded the CTC by increasing the credit for more low- and moderate- income families and delivering the credit through monthly payments from July to December 2021, followed by a lump sum in spring 2022 when families filed their 2021 tax returns. A strong evidence base demonstrates that the expansion reduced poverty and material hardship and improved family well-being.⁵⁷ According to the Census Bureau, the expanded CTC reduced the child poverty rate by almost half, from 9.7% in 2020 to 5.2% in 2021, the lowest level on record.⁵⁸

Congress recognized the importance of refundable tax credits and mandated a report from the National Academies of Sciences, Engineering and Medicine on the 2021 CTC and EITC expansions and policy options to reduce poverty. The NASEM analysis showed that in 2021, the combined effect of the EITC and CTC (due mainly to the CTC expansion) lowered the child poverty rate from 5.7% to 2.8%, lifting almost half (more than 2 million) of poor children above the poverty line. Without other pandemic-era supports, the tax credits alone would have reduced child poverty by nearly 10 percentage points from 17% to 7.1%, lifting over 7 million children out of poverty.⁵⁹

Observational studies show that the expanded CTC was associated with substantial reductions in economic and material hardship for families. These findings are further supported by quasi-experimental studies confirming that the expansion had a positive effect on children and families by reducing food insecurity and insufficiency,^{60,61} housing hardship and instability⁶², and other forms of material hardship.⁶³

Emerging evidence also links the expanded CTC to improved infant and child health. Studies using national birth certificate data found decreases in small-for-gestational-age births and other indicators of infant health⁶⁴, while another study found improved behavioral health among children ages 3-17.⁶⁵

The temporary expansion also showed what happens when a refundable tax credit is taken away. After monthly CTC payments expired, child poverty, food insecurity, and other material hardships rose.⁶⁶ In a July 2022 national survey, 66% of parents who had received monthly CTC payments reported difficulty covering food and groceries, and 40% reported difficulty paying their rent or mortgage.⁶⁷ Another study found that the expiration of the payments led to a 25%

increase in food insufficiency by July 2022, with the largest increases among low-income, single-adult, Black, and Hispanic households.⁶⁸ Wang et al. (2026) find that after the termination of the expanded CTC, children from lower-income families who were exposed to larger CTC benefits exhibited increases in behavioral problems.⁶⁹ This suggests that rescinding a refundable tax credit may exacerbate adverse child health outcomes, particularly for children from low-income households.

For these reasons, we submit this comment to express our concern as poverty and social policy researchers over the proposed rule on refundable tax credits.

Sincerely,

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