

November 11, 2019

Megan Herndon  
Deputy Director for Legal Affairs  
Visa Services, Bureau of Consular Affairs  
Department of State  
600 19<sup>th</sup> St. NW  
Washington, DC 20006

Re: Interim final rule; request for public comment: “Visas: Ineligibility Based on Public Charge Grounds”  
DOS Docket Number: Public Notice: 10922

Dear Deputy Director Herndon,

Thank you for the opportunity to comment on the Department of State’s (DOS) interim final rule for “Visas: Ineligibility Based on Public Charge Grounds” published on October 11, 2019. On behalf of Children’s HealthWatch, a network of pediatricians, public health researchers, and policy and child health experts, please accept these comments and our opposition in the strongest possible terms to this rule change that will threaten the health and well-being of families of immigrants, including children.<sup>1</sup>

Immigrant families are an integral part of our communities —they are our neighbors, coworkers, friends, and fellow parents. Immigrant families are also an integral part of our American history and values. For hundreds of years, the United States has been a melting pot of cultures that welcomes immigrants and their dream for a better, more prosperous life. However, the changes detailed in this rule threaten these values as they would effectively only allow the wealthy to be granted visas. Furthermore, the proposed changes to public charge criteria will discriminate against individuals from low-income countries – countries that are disproportionately people of color – because the vast majority of people fall below the proposed 125 percent-of-poverty threshold included as a consideration in the public charge determination. Worldwide, approximately 81% of the total population falls below this income level; in low-income countries in particular this percent is extremely high, with 99% of the population of South Asia, 99% of the population of Sub-Saharan Africa, and 79% of the population of Latin America and the Caribbean falling below the United States 125 percent-of-poverty threshold.<sup>2</sup> While immigrants seeking to rejoin family in the United States can count their family’s income towards the 125-percent test, the test will remain hard for those joining family of modest or limited means because the arriving individual will have income on their home country’s wage scale. This may lead to family separation if only some members of a family, based on differences in wealth, are permitted entry to the United States. This would inflict unnecessary hardship and trauma on both immigrants and future generations of US citizen children, as family separation has documented profound impacts on child health and well-being.<sup>3,4</sup> Furthermore, this proposed rule disregards the fact that a country’s low wage rates do not reflect a potential immigrant’s core traits and skills or their ability to develop skills and succeed in the United States. Our history and a breadth of evidence have shown that immigrants have achieved significant upward mobility for themselves and their children, helping strengthen the nation and its middle class, its industries, and its innovation sector.<sup>5</sup>

This harmful, and deeply counterproductive focus is further demonstrated by the recent Presidential Proclamation in which the President instructed that beginning on November 3, 2019, immigration to the United States will be restricted to those who are insured or who can provide documentation of ability to

afford private healthcare.<sup>6</sup> The policy of this proclamation, similar to the Department of Homeland Security's public charge final rule, is currently facing litigation after being temporarily blocked by a Federal judge, demonstrating legal pushback to the harmful and discriminatory effects such a policy would have. A policy of fear and punishment, such as the one laid out in this DOS rule, does not build a brighter future for American communities with healthy people and strong workers; to the contrary, such a policy will compromise the health of current and future generations, diminish their ability to excel in school, work and life, and diminish the human potential of communities across the nation.<sup>7</sup>

Although the DOS rule targets those applying for visas from outside the United States, research demonstrates the impact this and related rules are having on the existing immigrant community within our nation. Concretely, based on our extensive clinical and research experience, we know this regulatory measure will deter families from accessing programs that could prevent or alleviate economic stressors – even when they are completely eligible for assistance.<sup>8</sup> Not receiving needed support will jeopardize the health, and body and brain growth of our youngest children, and the long-term health of our country. Moreover, it will lead to major increases in healthcare costs.<sup>9,10,11</sup> Our research over the last twenty years and the work of many others demonstrates that if families are able to access supports when they fall on hard times, the health of all family members, the well-being of our communities, and our economy are strengthened.<sup>7,12,13,14</sup> Punishing families utilizing public services designed to improve the health of our entire population places millions of children at risk of adverse health and developmental delays during a critical window of development, leading to less academic success and ultimate workforce participation. This, in turn, will have immediate and long-term effects on our country's health and education systems, and the strengths and skills of our workforce.

Increased focus on restrictive immigration policies and enforcement create fear and stress that negatively affect children's physical and mental health and cognitive development. Analyses shows that even the proposed changes to public charge are already causing significant harm through fear and confusion leading people to disenroll from programs or forgo benefits for which they are eligible - known as the chilling effect. The DOS interim rule contributes to and exacerbates this effect. Recent research documents that rising fear and confusion; in one report, researchers found that nearly half of community health centers reported that many or some immigrant patients declined to enroll themselves in Medicaid in the past year, and nearly a third of centers say that some patients dropped or decided not to renew such coverage.<sup>15</sup> Another 2018 survey found that about one in seven adults (14%) in immigrant families reported "chilling effects," in which the respondent or a family member did not participate in a noncash government benefit program in 2018 for fear of risking future green card status.<sup>16</sup> Recent research from Children's HealthWatch demonstrates the impact this loss of benefits has on families with children, as households that lose government benefits – specifically SNAP – are at an increased risk of food insecurity (at both the household and child level), housing instability, energy security, and other hardships, as well as greater likelihood to be in fair or poor health, or at developmental risk.<sup>17</sup> These loss of benefits, or disenrollment due to the chilling effect, have immediate and lasting consequences for families and young children that imperil their current and future health.

Finally, the interim rule represents a larger effort to curtail immigration of people who cannot pass a wealth test. By only allowing those with existing wealth and resources to immigrate to the United States, we are distancing ourselves from the American value of opportunity, forgetting the lower income origins of many of our forebears, and harming the health of children and vital communities within our country.

This rule does harm: It will drive up national healthcare and education costs and impair over the long-term our national health, educational achievement, and economic status. Therefore, we strongly oppose any administrative action that would harm the health of children and their families and urge the administration to immediately withdraw this proposal in its entirety.

Sincerely,



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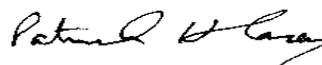
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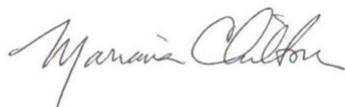
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