

October 31, 2019

Department of State Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget

Office of Visa Services
Bureau of Consular Affairs
Office of Visa Services

Re: "Notice of Information collection Under OMB Emergency Review: Immigrant Health Insurance Coverage"

Docket Number: DOS-2019-0039

To Whom It May Concern:

Thank you for the opportunity to comment on the Department of State's (DOS) interim final rule for "Notice of Information collection Under OMB Emergency Review: Immigrant Health Insurance Coverage" published on October 30, 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.

Access to affordable health care is critical for the health of young children and their parents. Our research shows when families with infants and toddlers are unable to afford health care for themselves or their children, or have to sacrifice other basic needs to afford medical care, the health of their child is placed at risk.¹ Public health insurance, however, buffers families from the high costs of medical care and prescription medicines, ensuring they are able to seek care when they need it. Research from other groups shows children with adequate health insurance coverage are more likely to receive preventive care and immunizations than those who lack coverage.² Conversely, studies indicate that reducing health insurance coverage among children has long-term negative effects on children's health, educational attainment, and financial stability as adults.³ The Proclamation threatens to undermine the nation's health and the health of children and families by restricting immigrants' ability to purchase such comprehensive health insurance available through the Affordable Care Act (ACA) marketplaces. Congress elected to make lawfully residing immigrants eligible for subsidized marketplace coverage because doing so advances the health of our nation. The Proclamation puts the nation's health at risk by ignoring Congress and instead requiring individuals to buy costly and less comprehensive health coverage.

To support the health of all people in the U.S., we support a nation where all are able to thrive. Immigrants are vital members of our communities and ensuring they have access to the essentials of life without regard to where they were born is critical for our nation's health. As part of this vision, we support access to comprehensive, affordable health care—and efforts to strengthen and protect the hospitals, community health centers, and providers who work tirelessly to deliver high quality care to their patients. Despite its claim, the President's Proclamation is not about improving access to health care or making sure hospitals are paid. Instead, it serves as yet another constraint on legal immigration by imposing a wealth test that will disproportionately harm people of color. Further, this Proclamation

acts as an extension to the Department of Homeland Security Public Charge rule, which we oppose and is currently under injunction and is the subject of twenty-one lawsuits. These lawsuits argue that the new regulations discriminate against low-income people from developing countries and undermine the well-being of children whose families might avoid using nutritional, health and other assistance programs.⁴ This Proclamation and other recent and proposed immigration policies are unacceptable. Research tells us that immigrants come to the U.S. for many reasons, including fleeing violence, relocating after natural disasters, seeking economic opportunity, and more. 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.

The President has further justified this Proclamation by saying that legal immigrants are more likely than American citizens to lack health insurance, making them a burden on hospitals and taxpayers in the United States. While many immigrant parents work, often holding full-time jobs, they are disproportionately more likely to work low-wage jobs that do not provide private health insurance.⁵ Because of this, Medicaid and other health insurance available on the ACA marketplace provide critical health coverage to families and children with noncitizen parents. Notably, the Proclamation allows short-term plans, which do not comply with the ACA's consumer protections, to qualify as "acceptable" coverage. Frequently referred to as "junk plans," short-term plans lack comprehensive coverage and can be prohibitively expensive for individuals with pre-existing conditions. Increasing access to these plans could siphon off healthy individuals from traditional health insurance, driving up premiums and putting the market at risk.⁶ By only allowing immigrants to participate in or purchase these types of plans, instead of affordable and comprehensive health insurance, the change under the Proclamation would actually increase health care costs. Furthermore, forcing immigrants to avoid comprehensive insurance could increase uncompensated care costs for providers, when patients can't afford needed health care that is not covered by these bare-bones plans. This does not qualify as promoting health insurance – this is, rather, putting a barrier between individuals and the coverage for which they are eligible. By doing so, scientific evidence tells us that the health of children and adults will be harmed.

This Proclamation 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. It builds an invisible wall to keep out legal immigrants, and is an affront to the American Dream of the opportunity for prosperity and success through hard work and upward mobility. However, there is still time to protect the nation's health and values before the proclamation goes into effect. We strongly oppose any administrative action that would harm the health of children and their families and urge the administration to immediately withdraw this Proclamation in its entirety.

Sincerely,



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¹ Ettinger de Cuba S, Sheward R, Poindexter D, Bovell-Ammon A, Ochoa E. Affordable health care keeps children and families healthy. Children's HealthWatch. 2018.

² Artiga A, Ubri P. Key Issues in Children's Health Coverage. Kaiser Family Foundation. 2017; Retrieved from: <https://www.kff.org/medicaid/issue-brief/key-issues-in-childrens-health-coverage/>

³ Berkowitz S, Seligman H, Rigdon J. Supplemental Nutrition Assistance Program (SNAP) participation and health care expenditures among low-income adults. *JAMA*, 2017;177(11):1642-1649

⁴ Jordan M. Judges strike several blows to Trump immigration policies. *The New York Times*. October 11, 2019. Available at <https://www.nytimes.com/2019/10/11/us/immigration-public-charge-injunction.html>

⁵ Kaiser Family Foundation. Health Coverage of Immigrants. December 2017. Available at: <https://www.kff.org/disparities-policy/fact-sheet/health-coverage-of-immigrants/>

⁶ The Commonwealth Fund. Non-ACA-compliant health plans. Available at <https://www.commonwealthfund.org/trending/non-aca-compliant-health-plans>