Carl C. Risch  
Assistant Secretary for Consular Affairs  
Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Re: DOS Public Notice: 10922, RIN 1400-AE97, Comments in Response to Interim Final Rule: Visas: Ineligibility Based on Public Charge Grounds

Dear Assistant Secretary Risch,

The Public Health Law Watch ("PHLW")\(^1\) appreciates the opportunity to submit comments regarding the proposed public charge regulations ("the Rule"), published by the State Department in the Federal Register on October 11, 2019.

PHLW is an initiative of the George Consortium, a nationwide network of over sixty public health law scholars, academics, experts, and practitioners who are dedicated to advancing public health through law. Based on PHLW’s research and expertise on the law’s impact on public health, we have deep concerns that the Rule, if promulgated, will adversely affect the public’s health. By denying entry to immigrants based on the determination they may use public benefits in the future, the proposed Rule will likely adversely affect the health care system by reducing the already-deficient number of health care workers in the U.S.

In 2016, immigrants comprised nearly 17% of the health care workforce.\(^2\) Importantly, 24% of less-skilled health care workers, and 31% of home care workers, are immigrants.\(^3\) Many health care workers, especially less-skilled workers in home health and nursing home settings, rely upon non-cash public benefits. For example, more than half of home care workers receive some form of public assistance.\(^4\) This is unsurprising given that the median pay for a home care worker is $11.52 per hour.\(^5\) And because many home health agencies do not provide health benefits, 42% of home care workers rely on public health care coverage.\(^6\) If immigrants are denied a visa based on the fact that they may use public benefits in the future, this may reduce the number of workers available to care for the aging U.S. population in years to come.\(^7\)

The U.S. population is growing older and sicker, but there are not enough health care workers to provide the necessary care. Within a few decades, 80 million people in the U.S. will be 65 or older, and many will look for home-based care.\(^8\) The demand for less-
skilled health care workers will continue to significantly outpace supply in coming years. In fact, the U.S. is projected to face a home health aide workforce gap of nearly 450,000 by 2025. The proposed Rule will only serve to exacerbate this workforce gap, as many potential health care workers may be denied entry based on the determination they may someday use public benefits, just like many health care workers currently do to provide for themselves and their families. This will negatively impact the health of many people in the U.S., as elderly patients will undoubtedly suffer if there is a shortage of health care workers to care for them.

Because these changes will bring untold harm to the nation’s fragile health care system, we respectfully urge the State Department to withdraw the proposed Rule. Thank you for the opportunity to submit these comments. Please do not hesitate to contact us for further information.

Sincerely,

Faith Khalik
Legal Fellow, Public Health Law Watch

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3 Id.
5 Id.
6 Id.
8 Id.
10 Id.