Plan to Radically Redefine Eligibility for Visas and Green Cards Will Disproportionately Harm Health of Hawai‘i Residents

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HONOLULU, HI – The Drug Policy Forum of Hawaii’I (DPFHI) joins countless community-based organizations across the nation in condemning a proposed rule by the U.S. Department of Homeland Security (DHS) that could deny entry visas or permanent resident (“green card”) status to immigrants who use government services. This new criteria adds to a list that includes age, health, and employability, characteristics currently used to approve or deny visas and green cards based on an assessment of the likelihood that an immigrant would become a “public charge.” In addition to potentially tearing families apart, this policy change will likely have a chilling effect on those using life-saving services, including drug treatments.

Under the proposed rule, announced two weeks ago, anyone applying for a green card or entry into the U.S. could be denied unless they “have not received, are not currently receiving, nor are likely to receive, public benefits.” An analysis of US Census data by the Migration Policy Institute notes that the change could impact almost half (47%) of all noncitizens in the US, up from 3%. There is little doubt that fear and confusion will lead to decreased enrollment with attendant negative consequences. In an analysis of the proposed rule, the Kaiser Family Foundation predicts that upwards of 5 million people, including many children, will disenroll from crucial programs whether or not they are included under the new rule. Among the listed services are non-emergency Medicaid, Medicare Part D, Section 8 housing and Supplemental Nutrition Assistance Program (SNAP). Even use the Children’s Health Insurance Program (CHIP) may be counted since DHS is asking for public comments on whether to also include it in the final rule. In addition, for the first time, income levels will also be used to assess an immigrant’s likelihood of becoming a “public charge.”
“This proposed rule presents a significant threat to the health and well-being of immigrant families and is thus a danger to public health,” said Carl Bergquist, Executive Director of DPFHI.

“The term ‘public charge’ plays on racist notions of certain immigrant groups being unable to contribute to our society. Here in Hawai‘i, our daily experiences tell the true story of how essential immigrants are in keeping our economy going. Punishing their families or them for using benefits to which they are entitled, and need for all of our public health, is simply antithetical to aloha.”

Bergquist continued, “In the past, we have seen how the War on Drugs is fused with the War on Immigrants when an immigrant is deported into permanent exile, separated from his or her family, because of a non-violent drug offense. This cruel proposed rule takes this twisted logic one step further by effectively denying immigrants access to basic needs including drug treatments. Non-citizen community members with communicable diseases, or those in need of medication-assisted therapy to tackle addiction, may shy away from seeking help for themselves, or their US citizen children, simply to avoid threat of family separation. Prior experiences with federal and state welfare cutbacks show that this chilling effect is all too real. For every person who acts this way out of fear, many more may suffer.”

Hawai‘i, due to its diverse demographic make-up, is likely to be disproportionately impacted by this change if it becomes law. According to the American Immigration Council, immigrants comprise about 18% of Hawaii’s population, with an overwhelming plurality (46%) coming from the Philippines. Overall, more than 150,000 adult immigrant workers comprised 21% of the state’s labor force in 2015. Immigrant-led households paid $668.5 million in state and local taxes in 2014. Nationally, 31% of the 1.1 million who obtain green cards each year are from Asia and Pacific Island nations. Citizens of Compact of Free Association (COFA) states, (Federated States of Micronesia, Republic of Palau and Republic of the Marshall Islands) who wish to begin the path to US citizenship, may now become ineligible for the first step on that path, a green card. Even though, COFA citizens currently are allowed to enter and work in the U.S., a new public charge definition may be wielded against them in the future.

The proposed rule is open for public comment through December 12, 2018.