January 18, 2022

Submitted via www.regulations.gov

Visa Services, Bureau of Consular Affairs
U.S. Department of State
600 19th Street NW
Washington, DC 20006

Re: Visas: Ineligibility Based on Public Charge Grounds Interim Final Rule; reopening of public comment period, Docket No. DOS-2021-0034

To Whom It May Concern:

The District of Columbia Health Benefit Exchange Authority (DCHBX) appreciates your consideration of our comments in response to the reopening of the public comment period for the Interim Final Rule. We understand this reopening is for the purpose of harmonizing review of federal regulation in this area with U.S. Customers and Immigration Enforcement (USCIS). We support the Administration’s efforts to protect immigrant access to crucial government services.

By way of background, DCHBX is a private-public partnership established by the District of Columbia (District) to develop and operate the District’s on-line health insurance marketplace, DC Health Link (DCHHealthLink.com). We cover approximately 100,000 people -- District residents and people who work for District small businesses. DC Health Link fosters competition and transparency in the private health insurance market, enabling individuals and small businesses to compare health insurance prices and benefits and to purchase affordable, quality health insurance. Since we opened for business, we have cut the uninsured rate by 50% and now more than 96% of District residents have health coverage.

DCHBX commended USCIS for rescinding the 2019 final rule on Public Charge and quickly reverting to the standards in the Immigration and Naturalization Service 1999 guidance. HBX strongly opposed the 2019 Final Rule and submitted comments explaining why the prior Administration was wrong on the policy and wrong on the law (prior comments attached: December 10, 2018 comments to DHS’s Notice of Proposed Rulemaking on Public Charge, October 31, 2019 comments regarding the State Department’s emergency Information Collection associated with the Presidential Proclamation to require health coverage prior to

entry, November 12, 2019 comments to the State Department’s Public Charge Interim Final Rule\textsuperscript{5}, and December 20, 2019 comments regarding the State Department’s Public Charge Questionnaire (Form DS-5540) Information Collection\textsuperscript{6}).

In our prior comments we discussed the “chilling effect” of the 2019 regulations on immigrant communities applying for benefits, including household members that are not subject to the Public Charge test, as well as the impact on overall public health and health coverage rates. At its core, the 2019 Rule ignored the economic reality of the immigrant experience in the U.S. and immigrants’ ability to integrate rapidly into society, improve their circumstances, and contribute to the nation.\textsuperscript{7} Immigrants provide a labor supply which allows the U.S. to address the negative effects of a stagnating population, such as an aging workforce and reduced consumption by older residents.\textsuperscript{8} The 2019 Rule was also based on a false assumption that immigrants overuse public benefits. In fact, analyses show that low-income immigrants are less likely to use public benefits like Medicaid and the Supplemental Nutrition Assistance Program (SNAP) when compared to similar low-income U.S.-born people.\textsuperscript{9}

DCHBX has signed-on to the comment letter submitted by Protecting Immigrant Families (PIF) on behalf of a coalition of organizations anchored by the National Immigration Law Center (NILC) and the Center for Law and Social Policy (CLASP). DCHBX agrees with the legal and public policy points articulated in the comment letter.

We appreciate the Administration’s willingness to ask stakeholders to find solutions that implement the Public Charge test in a fair and easily understood manner. We look forward to working with you to support immigrant communities and their access to life saving medical services.

Sincerely,

Mila Kofman
Executive Director
DC Health Benefit Exchange Authority


\textsuperscript{7} Ku, Leighton and Pillai, Drishti, \textit{The Economic Mobility of Immigrants: Public Charge Rules Could Foreclose Future Opportunities} (November 15, 2018). Available at SSRN: https://ssrn.com/abstract=3285546

\textsuperscript{8} Id.