



NCAAT urges the Department of Homeland Security (DHS) to immediately withdraw the proposed changes to the Public Charge Ground of Inadmissibility.

December 10, 2018, Raleigh, N.C. —

We are writing to submit the following comments on behalf of North Carolina Asian Americans Together (NCAAT) on the proposed changes to the public charge regulation published in the Federal Register on October 10, 2018.

North Carolina Asian Americans Together (NCAAT) is a nonpartisan, nonprofit organization committed to supporting equity and justice for all by fostering community among Asian American Pacific Islanders (AAPIs) and allies in North Carolina through civic engagement, leadership development, grassroots mobilization and political participation. NCAAT was founded to give voice to Asian Americans in the state and to help define our community's futures alongside other immigrant communities and communities of color. NCAAT represents the rapidly growing pan-Asian community across the state of North Carolina and advocates for policy changes on behalf of our community.

NCAAT urges the Department of Homeland Security (DHS) to immediately withdraw the proposed changes to the Public Charge Ground of Inadmissibility.

North Carolina has one of the fastest growing immigrant populations in the nation — nearly 1 in 12 North Carolina residents is an immigrant — and immigrants from Asian countries make up 30 percent of that population. Between 2000 and 2016, North Carolina's Asian American population grew by 144% — the fastest rate among the Southern states and the second-fastest in the country. Asian Americans and other immigrant communities make up a significant part of North Carolina's economy and contribute over 100 billion in state tax dollars. We are an integral part of the fabric of this state and believe that this proposed rule will not only negatively impact our community but also our entire state. Moreover, as part of a community that has historically faced discrimination and detention on the basis of our heritage, NCAAT strongly opposes these regulations as inequitable and discriminatory. The original public charge rule was passed the same year as the Chinese Exclusion Act of 1882 and, like those policies, these new proposed changes are rooted in and fan xenophobic attitudes toward immigrants and would result in exacerbating systemic poverty, hunger and health disparities in immigrant populations.

We oppose the proposed the changes to public charge rule for the following reasons:

- 1. The proposed rule is unnecessary and will create substantial new problems. Very few immigrants on visas and green cards are eligible for public benefits in the first place. This rule would cause confusion and prevent lawful permanent residents and other eligible immigrants from using benefits they are lawfully permitted to use.**

The proclaimed purpose of the public charge rule is to prevent applicants for visa and green cards who are likely to become financially dependent on the U.S. government from entering the country. The new rules, however, would unfairly penalize those who have legally used a public benefit in the past, without any clear justification. The proposed rule changes force some to choose between needed public support and residency, targeting those who attempt to seek health care, safe housing and healthy food programs. More than 1.5 million AAPI immigrants across the nation are in families that use public benefits to feed and sustain their loved ones. In North Carolina, 530,000 people live in a family with at least one non-citizen member and receive one of the income supports identified in the rule; and more than 78,000 AAPIs in the state receive one of the four major public benefits.

The proposal of changes has already created an element of fear for immigrant community members, not only dissuading them from seeking needed public benefits, but also dissuading those not directly affected by the rule, such as those applying for citizenship, from using needed public support. Since the majority of immigrants targeted by the rule were already ineligible for public benefits, the biggest impact of this policy will be to create confusion and to prevent immigrant families from seeking or using benefits for basic needs that they are legally permitted to use.

Nearly one in four AAPIs in North Carolina who use public benefits, the majority of whom are children and the elderly, could be affected by the proposed rule. Children are actually most impacted by this proposal — in North Carolina, around 250,000 children could experience a chilling effect. Poverty rates among AAPI children in particular have been on the rise in the state, with the number of AAPI children in poverty in 2017 having more than doubled since 2008. The negative impact of this rule on immigrant families and children outweighs any possible positive benefit, and we urge DHS to consider this.

- 2. The proposed rule targets family-based immigration, unfairly preventing family members from reuniting and supporting each other. As of 2014, of the 1 million new lawful permanent residents in the U.S., 41% were immediate relatives of a U.S. citizen, 23% entered on a family-sponsored preference and 15% on an employee-based preference, all of whom would be impacted by the proposed rules. These rules will have a particularly significant consequence for Asian Americans, since, behind Mexico, the largest number of immigrants currently immigrate to the United States from Asian countries.**

The proposed rule's focus on family-based immigration will impact the ability of AAPIs in North Carolina to keep families together and will create an unfair system which favors healthier, wealthier and highly educated adults while penalizing children, older adults, people with lower incomes, people who are living with pre-existing or chronic health conditions and people who are not fluent in English. By expanding the factors for public charge determination in ways that would include things like education level and English fluency, the rule changes would disproportionately and negatively affect even community members who use no public benefits. This will in particular impact AAPI communities — among Asian Americans in the state, 70% speak a language besides English at home, with more than 42% of whom speak English less than "very well." Additionally, according to 2006-2010 American Community Survey (ACS) data, less than 70 percent of Laotian, Vietnamese and Hmong Americans in North Carolina had a high school diploma.

The proposed rule changes also favor wealthier applicants by considering it a negative factor if an applicant does not earn at least 125 percent of the Federal Poverty Level and will no longer consider a sponsor affidavit with the same weight as before. The AAPI community, which now has the largest wealth gap of any racial group, includes some that enjoy economic success and others that struggle with poverty. These two changes to the rule will result in impacts to both ends of the spectrum in North Carolina's Asian American community. Populations like Hmong, Korean, Pakistani and Cambodian Americans, who experienced a higher rate of poverty in North Carolina than the statewide average of 16 percent, with rates as high as 24 percent among Cambodian Americans, according to the 2006-2010 American Community Survey, could experience much more difficulty with the immigration process. Additionally, Indian and Chinese populations, which tend to immigrate based on family- or employee-based sponsorship will also face hurdles, particularly if they were formerly stay-at-home parents, in bad health or are otherwise without a work history. These suggested changes will unfairly and unnecessarily penalize immigrants and prevent them from being with their family, even when they have family to support them.

The proposed changes to the public charge policy alarm and dismay NCAAT because it will drastically disrupt immigration in our state as well as throughout the entire country. As workers, taxpayers, entrepreneurs and neighbors, immigrants are an integral part of North Carolina and make significant contributions that benefit all. By creating policy that attacks and disenfranchises the most vulnerable immigrant communities, DHS is attacking and disenfranchising our neighbors and community. It's clear that these proposed changes are fueled by false narratives of the immigration experience and, if put into action, will only perpetuate hostile local and national anti-immigrant rhetoric, increasing fear and xenophobia in our communities. This appalling attack on immigrant communities and families will be opposed by residents through the state of North Carolina.

On the behalf of NCAAT as well as Asian American communities and other communities of color in North Carolina, we urge you to withdraw the proposed changes to Public Charge Ground of Inadmissibility immediately.

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