

11/4/11

The scant early turn-out for the vote on the casino issue does not bode well. By 9:30 a.m. this morning only some 20 voters had cast their ballot on Capitol Hill. But there are many explanations for the shortfall. Primary among them is the absence of precinct workers out "beating the bushes" to bring voters to the polling places - though there's no doubt that some pro-casino advocates are bringing supporters to the polls. Unfortunately, the anti-casino advocates would appear not as well organized.

The location of the polling places also appears problematic. It's only logical to expect that if voters can walk to the polls, more will go vote than if they have to drive. In this case, there were only four voting places, rather than one in every neighborhood. That was all that the NMC class conducting the "straw vote" could manage to arrange. Through no fault of its own, it would appear, however, that the limited voting venues will also skew the outcome, more's the pity. House-bound voters are not accommodated either, in this straw poll.

And then there are the uninformed, who have failed to understand, despite the best efforts of NMC instructor Sam McPhetres and his class, the significance of the vote even though it is non-binding, and who don't, therefore, see a need to take time out from their day off to go drive to the polls. What they don't seem to have realized is that most legislators have said they are waiting for the outcome of the vote to decide whether to pursue the issue of casino gambling on Saipan. And if the vote is low, that they will view it as a signal to go ahead.

Should the straw vote, the referendum, fail, and establishment of a casino take off full force, it sure will be interesting to see who comes out of the woodwork in support of the effort, and who benefits from wherever it is they plan to locate it.

You might know that the U.S. Citizen and Immigration Services wouldn't get it right, even when it tried. In response to concerns from the ill, the elderly and the disabled who need help in coping with the demands of daily living but who do not qualify as "businesses" entitled to hire a foreign worker, the USCIS issued an Update, "Parole for Urgent Humanitarian Reasons," which provides information on "Parole Available from USCIS for Eligible Caregivers of Critical Medical or Special Needs Individuals."

The subtitle says it all. As it's spelled out in the Update, "A foreign worker applying for parole under this situation must be providing care for a person who requires medical assistance in order to live independently or is otherwise in a situation of urgent humanitarian need. This means a significant medical or special needs situation going beyond normal house maintenance or ordinary childcare."

But it's not only those with critical medical or special needs who need caregivers. It's also any number of elderly, or ailing, or disabled, who are no longer able to care for themselves without help. I may not be typical, but I consider myself in that category. I am 80 - so not as spry as I used to be in any case. Living is, in and of itself, a strenuous activity that I can no longer manage totally on my own. But I also have lung cancer - presently in remission - and emphysema, and am tethered to an oxygen concentrator 24/7. Fortunately, other than my lungs, this old body still works fairly well; nonetheless I am no longer able to keep up with all the demands of living by myself, and I have no relatives on island to help me. I also need a caregiver.

Moreover, the USCIS has chosen to apply an extremely narrow interpretation of what constitutes a caregiver. Caregivers do much more than take care of individuals with critical medical needs.

According to the U.S. Department of Health and Human Services, "caregiver" is defined as ◆ A generic term referring to a person, either paid or voluntary, who helps an older person with the activities of daily living, health care, financial matters, guidance, companionship and social interaction. A caregiver can provide more than one aspect of care. Most often the term refers to a family member or friend who aids the older person. ◆

From "Caregiver Law and Legal Definition" at < <http://definitions.uslegal.com/c/caregiver>> , "A caregiver is someone, typically over age 18, who provides care for another. It may be a person who is responsible for the direct care, protection, and supervision of children in a child care home, or someone who tends to the needs of the elderly or disabled. It is generally one who gives assistance to another person who is no longer able to perform the critical tasks of personal or household care necessary for everyday survival."

Wikipedia defines caregivers this way: "You are a caregiver if you: Take care of someone who has a chronic illness or disease; Manage medications or talk to doctors and nurses on someone ◆'s behalf; Help bathe or dress someone who is frail or disabled; Take care of household chores, meals, or bills for someone who cannot do these things alone."

Yet the USCIS Update states that "Someone employed in the home simply to make life easier...by taking care of the children, cleaning the home, buying groceries, cooking meals and other such work is not eligible to be considered for parole." Except for the "taking care of children," however, that is exactly the kind of help I need in order to survive.

The Update continues, "The situation should also involve a continuing need for the special care." At the moment, I don't need a caregiver 24/7 - I can manage with one who comes one day a week - but it is a continuing, on-going need - I need laundry done, floors washed, food prepared, every week, and will continue to do so for the rest of my life. Besides, earlier this year, I had what is called an exacerbation, and then I did need a caretaker 4-5 days a week, to help me shower, to cut my toe nails, to cook most of my meals, to do all my out-of-the-house chores and errands. Given the nature of my illness, I fully expect to experience one or more of such exacerbations again.

In addition, the Update restricts those caregivers who do qualify from working at anything other than caregiving, an arbitrary limitation if there ever was one. Why can they not work as housekeeper, or sales clerk, or whatever position they can fit into their caregiver schedule? And if a caregiver finds three people who all need his/her services part-time, how reasonable is it to expect the caregiver to write three letters of justification, and to file three applications for parole in order to do so - as is required according to the Update?

It doesn't help that applicants for this special parole status are required to submit an Application of Employment Authorization which calls for choosing a category of eligibility from a list in the *Code of Federal Regulations* that doesn't really apply, and provides for a denial of application if the applicant doesn't choose the right one.

Most unhelpful of all is the fact that the Saipan office of the USCIS is so backed up that it is impossible to get an infopass to schedule an appointment - the only means of face-to-face access to USCIS staff. They are simply not available, for now.

A long rant. And it is not known how many people are affected. According to the Office of Aging, most caregiving - in the broader sense of the word - is provided by the families of those afflicted, those in need. The number of people using paid live-in caregivers - again, in the broader sense of the word - has been estimated at maybe about 100. There is no estimate for those needing only part-time care. Yet for those affected, the USCIS rules are a major problem. Granted, the USCIS made an effort to meet their needs. Unfortunately, it did not go far enough, it did not provide realistic solutions. It needs to broaden its definition of caregiver. It needs to allow caregivers to do other kinds of work as well.

Short takes:

- Above-ground power lines are not a pretty sight no matter where they are, particularly not in typhoon-prone areas. Yet clear lines are a lot prettier than lines covered up, weighted down by vines and drooping branches. Thanks to hard-working CUC crews, more and more island power lines have gotten prettier of late - and for that we're grateful.
- On the subject of CUC, we'd like to offer CUC Director Utu Abe Malae our admittedly belated but heartfelt thanks for deciding to stay on as CUC Director instead of leaving to campaign for governor of American Samoa - a very generous and self-less decision. CUC performance has improved immeasurably under his able leadership - just think about the enormous decrease in lengthy unannounced power outages! - and we were really dreading his departure.
- A lawmaker suggested making it easier for vendors to set up at tourist sites as a means of trying to cut down on incidents of tourist theft. While in theory it might be a good idea, in practice, it isn't. Commercializing tourist sites takes away from the significance of the sites and destroys their reason for being - be it historical, reverential, or scenic. Tourists should be allowed to visit Suicide Cliff, or Bird Island Lookout, or Banzai Cliff without having to fight off pushy vendors of cheap souvenir trinkets and the like. On the other hand, security guards (with responsibility for keeping the sites clean as well) would be far more appropriate.
- It's somewhat ironic that today's holiday - Citizenship Day, the day local residents were given citizenship by virtue of a presidential proclamation - will pass with no formal acknowledgment of the many benefits received by local residents, no sympathy for the many long-term foreign residents who would consider the designation a precious gift indeed.