



**Contact:**

Alejandra Lopez, The Legal Aid Society, (212) 298-3142, [ailopez@legal-aid.org](mailto:ailopez@legal-aid.org)

Jen Nessel, Center for Constitutional Rights, (212) 614-6449, [jnessel@ccrjustice.org](mailto:jnessel@ccrjustice.org)

Yatziri Tovar, Make the Road New York, (917) 771-2818, [yatziri.tovar@maketheroadny.org](mailto:yatziri.tovar@maketheroadny.org)

## [NYC Community Groups Ask Judge to Halt “Public Charge” Immigration Rule Before It Takes Effect](#)

### *Request Preliminary Injunction for Duration of Lawsuit*

September 10, 2019, New York, NY – Community organizations suing the Trump administration over its proposed “public charge” rule today [filed a request for a preliminary injunction](#), asking a federal court to stop the rule from taking effect next month. The organizations, Make the Road New York, African Services Committee, Asian American Federation, Catholic Charities Community Services, and Catholic Legal Immigration Network (CLINIC), are represented by The Legal Aid Society, the Center for Constitutional Rights, and Paul, Weiss, Rifkind, Wharton & Garrison LLP. Attorneys say the rule would severely disrupt the legal immigration system by using vague and racist criteria to prevent immigrants the government considers likely to receive certain public benefits from obtaining lawful permanent residence status. The New York State Attorney General filed a similar request in its related case today.

“This arbitrary, confusing and discriminatory rule will throw the family-based immigration system into disarray, tear families apart, and cause immense fear, food insecurity, and health instability,” said [Ghita Schwarz](#), Senior Staff Attorney at the Center for Constitutional Rights. “It is immoral to penalize immigrants for low wages or disability, and the court should block the rule before it goes into effect.”

“This rule is an assault on immigrants and an affront to the family-based immigration system that has been a hallmark of our national immigration policy,” said **Susan Welber, Staff Attorney in the Law Reform Unit at The Legal Aid Society**. “The only way to stop the harm that is mounting and will surge when the unlawful and discriminatory Public Charge Rule becomes effective is to stop it from becoming effective altogether. Without that bright-line, immigrants will suffer losses that simply cannot be undone.”

The rule would redefine the term “public charge” to someone whom the immigration service deems likely to receive—even temporarily—any amount, however minimal, of a wide range of cash and non-cash public benefits, including housing assistance, food assistance, and healthcare. This proposed change, which would count such factors as youth, age, disability, and English language proficiency against applicants for permanent status, amounts to a wealth test for immigration and would contradict more than a century of law that defined a public charge as an individual primarily dependent on public support. Those deemed a public charge will be denied permanent immigration status. In addition to the direct effects of the rule—including family separations and possible deportation of those denied green cards—attorneys warn of a “chilling effect” as immigrants and their families forgo critical benefits, even benefits not technically covered by the rule, out of fear of jeopardizing their immigration status.

"This racist wealth test should have no place in our country's immigration system," said **Javier H. Valdés, Co-Executive Director of Make the Road New York**, the lead plaintiff in the case. “It puts the health and access to food from our communities in serious jeopardy. We urge the court to enjoin this reckless policy immediately.”

The lawsuit alleges that rule is unconstitutional because it is motivated by animus towards immigrants of color and intended to disproportionately affect immigrants from countries with primarily non-white populations. Attorneys point to statements by Trump administration officials involved in drafting the rule demonizing immigrants of color.

For more information, [see the Center for Constitutional rights case page for \*Make the Road New York v. Cuccinelli\*](#).

*[Make the Road New York \(MRNY\)](#) builds the power of immigrant and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. We have 23,000+ members and operate five community centers in Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; Brentwood, Long Island; and White Plains, Westchester County. On Twitter: [@MaketheRoadNY](#)*

*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough,*

**Justice in Every Borough.**

*The Legal Aid Society changes the lives of our clients and helps improve our communities.*  
<https://www.legalaidnyc.org/>

*The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at [ccrjustice.org](http://ccrjustice.org).*

*Follow the Center for Constitutional Rights on social media: [Center for Constitutional Rights](#) on Facebook, [@theCCR](#) on Twitter, and [ccrjustice](#) on Instagram.*