



Judge Blocks “Public Charge” Immigration Rule From Going Into Effect

First Nationwide Preliminary Injunction Is Granted on Public Charge

October 11, 2019, New York – Today, a federal judge [blocked](#) the Trump administration’s new “public charge” rule, which was scheduled to go into effect on Tuesday, October 15, 2019. The rule would have radically transformed the test for determining whether someone might become a “public charge” and impose an unprecedented wealth test on noncitizens seeking family-based adjustment of status. Today’s order issuing a preliminary injunction—the first to be granted nationwide on this issue—blocks the regulation and related application forms from taking effect until a final decision is reached in the litigation. Crucially, any benefits received while the injunction is pending cannot be used against individuals applying for adjustment of status.

The Center for Constitutional Rights, The Legal Aid Society, and Paul, Weiss, Rifkind, Wharton & Garrison LLP filed the lawsuit on behalf of Make the Road New York, African Services Committee, Asian American Federation, Catholic Charities Community Services, and Catholic Legal Immigration Network (CLINIC). New York State Attorney General Letitia James, joined by the States of Connecticut and Vermont and the City of New York, filed a separate lawsuit challenging the rule. Both lawsuits were filed in the U.S. District Court for the Southern District of New York.

In his decision today, Judge George B. Daniels wrote:

“The Rule is simply a new agency policy of exclusion in search of a justification. It is repugnant to the American Dream of the opportunity for prosperity and success through hard work and upward mobility.

Immigrants have always come to this country seeking a better life for themselves and their

posterity. With or without help, most succeed.”

Javier H. Valdés, Co-Executive Director at Make the Road New York, said, “Today’s decision marks a major defeat for the Trump administration’s unlawful tactic to impose a racist wealth test on our immigration system. People should be able to access vital and life-saving benefits without having to worry if they could remain with their families. We will continue to stand up to this administration’s onslaught on immigrants and people of color—we will fight and protect our communities from inhumane policy changes every step of the way.”

“The Legal Aid Society is relieved by this preliminary result, which will protect plaintiffs, our clients, and low-income and disabled immigrants across the nation while we seek permanent relief from this unlawful, anti-family, and racist rule,” said **Janet Sabel**, CEO and Attorney-in-Chief of The Legal Aid Society. “We hope the court’s decision sends a message to DHS to withdraw this unlawful rule, and to the Department of Justice to abandon its plans to adopt a similar rule attacking immigrants in the deportation context.”

“Today’s decision stops the implementation of this arbitrary and discriminatory rule, which targets immigrants with medical conditions and low-income immigrants of color,” said [Ghita Schwarz](#), Senior Staff Attorney at the Center for Constitutional Rights. “The court rightly recognized that the rule flouts the law and cannot be enforced anywhere in the United States.”

For more than 100 years, the designation “public charge” in federal immigration law has referred only to a narrow category of people who are institutionalized or otherwise completely or primarily dependent upon public assistance. The rule blocked today would redefine the term to include anyone the immigration service deems in its wide-ranging discretion is likely to receive, even temporarily or at a distant point in the future, any amount, however minimal, of a wide range of cash and non-cash benefits, including food assistance, healthcare, and housing assistance. To make that determination, government officials would consider an array of disparate factors including English proficiency, credit scores, and age. Those applying for family-based adjustment of status and deemed a public charge would be denied permanent immigration status. The lawsuits claim the rule would throw the existing immigration system into disarray and erect a racist wealth test as a barrier to family-based immigration.

The cases will now proceed, allowing the court to determine the legality of the proposed public charge rule. The lawsuit on behalf of community groups claims the rule violates the Immigration and Nationality Act, the Rehabilitation Act, the Administrative Procedure Act, as well as the Equal Protection Clause because the rule was motivated by unconstitutional racial animus and was intended to affect immigrants from countries with primarily non-white populations. Filings in the case point to statements demonizing immigrants of color uttered by Trump administration officials involved in drafting the rule.

For more information, [visit the Center for Constitutional Rights’ case page](#).

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, The

Legal Aid Society changes the lives of our clients and helps improve our communities.
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[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 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. Follow the Center for Constitutional Rights on social media: [Center for Constitutional Rights](#) on Facebook, [@theCCR](#) on Twitter, and [ccrjustice](#) on Instagram.

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