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*****FOR IMMEDIATE RELEASE*****

After Court Grants Preliminary Injunction on Public Charge, Legal Aid Urges Immigrants in Need of Public Assistance Benefits to Continue Seeking Vital Benefits

(NEW YORK, NY) – After a Federal Court granted a preliminary injunction halting President Donald Trump’s proposed changes to “Public Charge,” – which would have gone into effect today – The Legal Aid Society urged immigrant New Yorkers and others throughout the country in need of vital public assistance to continue using programs that they qualify for.

“Today marks the date that the Trump Administration’s ‘public charge’ rule was supposed to go into effect, which would have had a devastating impact on our immigrant communities. However, thanks to the incredible legal advocacy across the nation, we successfully blocked the rule and, for now, the policy remains the same as it has for over 100 years.

While this is a momentous victory, the fight continues—both in court and in our communities. We are continuing to represent plaintiffs in the *Make the Road NY et al. v. Cuccinelli* case here in New York. We remind our clients and all immigrant families in need of vital public assistance that they should continue using the programs they qualify for, including Medicaid, Essential Plan, SNAP, and federal housing assistance and that their ability to get a green card will not be impacted,” said **Susan Welber, Staff Attorney in the Law Reform Unit at The Legal Aid Society.**

What New York families need to know about public charge:

- **Because of the Court’s decision, DHS must continue to use the current public charge rule, which has been in effect for over 20 years.** Under the current public charge rule, people applying for a green card through a family-

member are at risk of public charge if they receive (a) cash assistance/welfare or (b) government-funded long-term institutional care. To pass the public charge test, they should also have a financial sponsor who makes over 125 percent of the Federal Poverty Guidelines.

- **Remember that public charge applies only to certain people, not all immigrants.** Public charge only applies only to the following groups: (1) people in the U.S. who are in the process of applying for green card status through a family member (often a parent, child or spouse); (2) people who are sponsored by a small business owned by their family members; (3) people who already have a green card but who: (a) have traveled abroad for more than 180 days or (b) have traveled abroad and have a criminal conviction, and are seeking to re-enter the U.S. Public charge does not apply to people who are seeking to naturalize/become citizens, to green card holders (other than the narrow categories above (3)(a)-(b), and it does not apply to many exempt categories, including Asyees, Refugees, VAWA, U, and T Visa applicants and holders; Special Immigrant Juveniles (SIJ), and others.
- **How long will the current rules continue to remain in effect?** The new Rule will continue to be blocked by the courts until there is a final decision on plaintiffs' lawsuits. If plaintiffs win, then the Rule will never go into effect. If plaintiffs lose, the Rule may go into effect. It is hard to predict how long this will be, but the cases are unlikely to be over before next year. There are two scenarios under which the new Rule would go into effect sooner than the end of the lawsuit. First, the government could ask the court to allow the rule to go into effect until an appeal is decided. Second, the government could try to appeal the preliminary injunction decision, which could take at least a few months. We will do everything possible to give our clients and their communities advance notice of any legal developments. Check The Legal Aid Society's website at www.legalaidnyc.org/notice/public-charge/ for updates.
- **If the new Rule gets unblocked or goes into effect when the cases are over, will benefits that I receive now – other than cash assistance and government-funded long-term institutional care -- count against me?** No. Other benefits, specifically SNAP/food stamps, Section 8, public housing, and federal Medicaid, may count AFTER the new Rule goes into effect, but NOT before. Receipt of cash assistance and government-funded long-term institutional care will continue to count against people who are in the process of seeking a green card through a family member under the current rules.

In addition to our [Immigration Helpline](#), tonight from 5-8pm ET, Legal Aid attorneys will participate in a phone bank hosted by MOIA, Catholic Charities, and Univision for anyone who is concerned about public benefits and immigration. Call 1-800-566-7636 to access free, safe legal help and find answers to questions.

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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. <https://www.legalaidnyc.org>