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Immigrant Rights Attorneys Condemn Supreme Court Ruling Allowing Xenophobic “Public Charge” Rule To Temporarily Go Into Effect

Move Will Harm Immigrants, Their Families, and Public Health, Advocates Say

(January 27, 2020--Washington, D.C.) – Attorneys for plaintiffs in *Make the Road New York v. Cuccinelli* condemned a United States Supreme Court decision today, temporarily lifting the last remaining nationwide injunction that blocked a Department of Homeland Security (DHS) “public charge” immigration rule from going into effect while it is challenged in the courts. Immigration rights attorneys sued on behalf of community groups to block the rule, and a federal judge issued a nationwide preliminary injunction enjoining the rule for the duration of the lawsuit.

The Trump administration appealed the injunction and then asked the Second Circuit Court of Appeals to stay the injunction pending its expedited appeal—which will be heard in March—but the appeals court refused. Trump then asked the U.S. Supreme Court to intervene.

“The court’s decision to lift the injunction is very disappointing, but our challenge to the draconian public charge rule is still moving forward,” said [Ghita Schwarz](#), **senior staff attorney at the Center for Constitutional Rights**. “The district court’s decision to stop this unlawful rule from taking effect was based on ample evidence of the harm that it will cause to immigrant communities, and we look forward to defending the injunction in the Second Circuit.”

“We have been fighting to see that this Rule never goes into effect, but now that it is, if even for a brief time, it is critical that immigrants and their families making decisions about using public benefits consult legal advocates who understand the Rule before assuming it applies to them,” said **Susan Welber, Staff Attorney in The Legal Aid Society’s Civil Practice Law Reform Unit.**

“This decision will hurt immigrant communities,” said **Javier. H. Valdés, Co-Executive Director of Make the Road New York.** “The Trump administration's public charge rules attack our loved ones and neighbors by imposing a racist wealth test on the immigration system. We will continue our fight in the courts to stop this reckless policy in its tracks.

BACKGROUND

The Trump administration’s proposed public charge rule is effectively a wealth test for noncitizens seeking lawful permanent resident status. The rule would redefine the term “public charge,” from a category of people who are institutionalized or otherwise primarily dependent upon public assistance, to include anyone the immigration service deems likely to receive—at any point in the future, even temporarily—small amounts of a wide range of cash or non-cash benefits. These include food assistance, healthcare, and housing assistance. Potential “public charges” would be denied permanent immigration status and could be subject to removal. The lawsuit notes that this kind of wealth test would most affect immigrants from countries in Latin America, the Caribbean, Africa, and Asia, and argues that it is motivated by animus towards non-white immigrants.

The Supreme Court decision comes in [*Make the Road New York v. Cuccinelli*](#), filed against the Department of Homeland Security by the Center for Constitutional Rights, the Legal Aid Society, and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, on behalf of Make the Road New York, African Services Committee, Asian American Federation, Catholic Charities Community Services, and Catholic Legal Immigration Network, Inc. (CLINIC).

A separate lawsuit, [*Make the Road New York v. Pompeo*](#), challenges similar “public charge” rules proposed by the State Department as well as President Trump’s proclamation blocking immigrants without private health care coverage from entering the U.S.

Concerned individuals can call The Legal Aid Society’s [Immigration Helpline](#) at (844) 955-3425 to access free, safe legal help and find answers to questions.

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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 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/>

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.