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

Judge Issues Two Nationwide Injunctions Blocking “Public Charge” Immigration Rules Amid Covid-19 Pandemic

New Injunctions Will Allow Immigrant Communities Across the U.S. To Safely Access Critical Healthcare and Public Assistance During Health Crisis

(July 29, 2020, New York) – Today, a Manhattan federal court issued two nationwide injunctions temporarily blocking the Trump Administration’s “public charge” rules. An [injunction issued against the Department of Homeland Security \(DHS\) prevents](#) DHS from enforcing, applying, implementing, or treating as effective the “public charge” rule for any period during which there is a declared national health emergency in response to the COVID-19 outbreak. The ruling came after immigrant rights attorneys successfully argued that the COVID-19 pandemic has made the DHS public charge rule lethal to immigrant communities by chilling the use of healthcare and other benefits. The court also [enjoined the Department of State](#) from applying its parallel “public charge” rules, including the President’s Health Care Proclamation, to applicants for visas at U.S. embassies and consulates abroad.

“Since the Trump administration announced the public charge rules, it has caused immense harm to our communities—harm that intensified, as our country is in the midst of a health crisis,” said **Javier H. Valdés, Co-Executive Director at Make the Road New York**. “The public charge rules by both DHS and DOS attacked our loved ones by imposing a racist wealth test on the immigration system, leaving working immigrants to choose between vital services or remaining together with their families. At Make the Road, we have seen the devastating effect this rule has on families scared to seek out healthcare and basic forms of assistance from food pantries and even their children’s schools. We applaud the court’s decision and will continue to fight to stop the Trump administration’s reckless and inhumane attacks on immigrants.”

In January, the U.S. Supreme Court stayed the same New York court’s October 2019 decision to block DHS’s “public charge” rule; as a result DHS began enforcement of the rule on February 24, 2020, just before the coronavirus outbreak became a nationwide pandemic. The new injunction against DHS was issued in response to a joint motion filed by lawyers from the Center for Constitutional Rights, The Legal Aid Society, and Paul, Weiss,

Rifkind, Wharton & Garrison LLP, who joined New York State Attorney General Letitia James representing the States of New York, Connecticut and Vermont and the City of New York, in arguing that immigrants should not be deterred from accessing healthcare and government benefits and services, especially during this unprecedented health crisis.

The second nationwide injunction was issued in a separate case challenging the Department of State's public charge rule as well as the President's Healthcare Proclamation requiring visa applicants to show proof of private health insurance. Because of the ruling, immigrants seeking to go through consular processing will not be subject to the public charge test utilized by the Department of State. That case was brought on behalf of individual and organizational plaintiffs by the Center for Constitutional Rights, The Legal Aid Society, National Immigration Law Center, and Paul Weiss. Today's ruling is the first decision fully addressing these policies and it enjoined those policies indefinitely.

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

Much has significantly changed since January 27. Today, the world is in the throes of a devastating pandemic, triggered by the novel coronavirus SARS-CoV-2. In six months, approximately 16.5 million people around the globe have been afflicted by the disease caused by this virus. That disease (COVID-19) has claimed over 650,000 lives worldwide. In the United States alone, COVID-19 has spread rapidly, infecting over four million people. Close to 150,000 American residents have died. All of these staggering numbers continue to climb on a daily basis.... Thousands continue to die indiscriminately. Attempting to effectively combat this plague has immediately come in conflict with the federal government's new "public charge" policy, a policy which is intended to discourage immigrants from utilizing government benefits and penalizes them for receipt of financial and medical assistance.

Susan Welber, Staff Attorney in the Civil Law Reform Unit at The Legal Aid Society, said: "Today's decisions are a great victory for our plaintiffs and immigrant communities which have been disproportionately impacted by the public health and economic impacts of the pandemic. Immigrants, especially people serving as essential workers combating the spread of the coronavirus, need access to life-saving healthcare, food assistance, and other essential services in order to both tackle the pandemic and protect their families without fear of immigration consequences. The Court's nationwide injunction against the Department of State public charge rule also protects immigrant families across the nation. We hope the court's decision sends a clear message to the government to withdraw these unlawful, racist, and anti-family rules, and that if they don't, we will continue to fight them in court."

[Brittany Thomas](#), Bertha Justice Fellow with the Center for Constitutional Rights, said, "In times like this, today's decisions signify great victories for the plaintiffs and immigrant communities, who can now access life-saving benefits without fear. The Court's issuance of a nationwide injunction halting the public charge rule issued by the Department of State signifies a rejection of this administration's radical position that they are above the law. We are pleased that the Court recognized the public charge rules as yet another attempt by this administration to undermine congressional authority and harm immigrant communities of color in the process. Today, immigrant communities throughout the entire country are protected and can focus on staying healthy and safe."

Joanna E. Cuevas-Ingram, Staff Attorney at the National Immigration Law Center, said: "By implementing these regulations, the Trump administration has shown flagrant disregard for both the rule of law and community health in the middle of a pandemic. The Court's decision recognizes that every member of our communities, including immigrants, must be able to access the tools they need to keep themselves healthy and safe. This is a great victory and we will not rest until these hateful, unlawful, and discriminatory regulations are gone for good."

BACKGROUND:

[Make the Road New York v. Cuccinelli](#) challenges changes to the public charge provisions implemented by the Department of Homeland Security and was filed by [The Legal Aid Society](#), [Center for Constitutional Rights](#), and [Paul, Weiss, Rifkind, Wharton & Garrison LLP](#) on behalf of [Make the Road New York \(MRNY\)](#), [African Services Committee \(ASC\)](#), [Asian American Federation](#), [Catholic Charities Community Services \(CCCS\)](#), and [Catholic Legal Immigration Network, Inc. \(CLINIC\)](#).

[Make the Road New York v. Pompeo](#) challenges changes to the public charge provisions of the Department of State (DOS) Foreign Affairs Manual (FAM) and a DOS Interim Final Rule, which changed public charge regulations that affect immigrants who must undergo consular processing before entering the country. [The Legal Aid Society](#), [Center for Constitutional Rights](#), [National Immigration Law Center](#), and [Paul, Weiss, Rifkind, Wharton & Garrison LLP](#) brought the case on behalf of [Make the Road New York \(MRNY\)](#), [African Services Committee \(ASC\)](#), [Central American Refugee Center New York \(CARECEN-NY\)](#), [Catholic Legal Immigration Network, Inc. \(CLINIC\)](#), [Catholic Charities Community Services \(CCCS\)](#), and individual plaintiffs.

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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>