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

Immigrant Advocates Welcome President Biden’s Executive Order Directing Agencies to Take Steps Needed to Reverse Trump’s Pernicious “Public Charge” Rules

(NEW YORK, NY) – Immigrant rights groups litigating against the Trump administration’s “public charge” rules—including **The Legal Aid Society, Center for Constitutional Rights, the National Immigration Law Center (NILC)** and the law firm **Paul, Weiss, Rifkind, Wharton & Garrison LLP** on behalf of **Make the Road New York, African Services Committee, Asian American Federation, Catholic Charities Community Services, Central American Refugee Center - New York (CARECEN-NY) and Catholic Legal Immigration Network, Inc. (CLINIC)**—today released the following statement addressing the executive order signed by President Joe Biden directing an immediate review of the administration’s damaging “public charge” rules:

“We commend President Biden for his action to commence the process of undoing the previous administration’s callous proclamations and regulations, particularly the public charge rules, which have erected an invisible wall in the form of a wealth test that also discriminates on the basis of race as a condition for obtaining permanent residence. The rules have not only kept families apart, but

have also deterred millions of immigrants and their families from accessing life-saving health care and government benefits and services for which they are eligible—especially during a global pandemic in which many immigrants have served as frontline workers and have been among the hardest hit by COVID-19.

“Since 2019, we have been fighting these blatantly racist and xenophobic rules in court and through community education. We call on the Biden administration to reverse the public charge rules, rescind the ban on immigrants without private health insurance, cease appealing the circuit court rulings that have found the rules unlawful, and do everything possible to mitigate the rules’ pernicious effects. While the new administration works to undo the rules, we will continue to fight the rules in the courts and spread awareness in the communities we serve to counter the chilling effect that the rules have created among immigrant communities.

“As the nation begins the COVID-19 recovery phase, it is essential that relief-oriented policies include all non-citizens and guarantee full access to critical healthcare for all. Immigrants have put their lives at risk to keep the country running and have been disproportionately impacted.”

BACKGROUND

The Trump administration’s public charge rules are effectively a wealth test for noncitizens seeking lawful permanent resident status or entry into the U.S. The rules redefine the term “public charge,” from referring to a narrow category of people who are institutionalized or otherwise primarily or wholly dependent upon public cash assistance, to include anyone the immigration service deems likely to receive small amounts of a wide range of cash or non-cash benefits—at any point in the future, even temporarily. These include food assistance, health care, and housing assistance. Potential “public charges” would be denied permanent immigration status and, if the applicant is in the U.S., could be subject to removal.

Our lawsuits document that this kind of wealth test invites arbitrary, racist decision making and would most affect immigrants from countries in Latin America, the Caribbean, Africa, and Asia. The lawsuits allege that these changes were motivated by animus towards non-white immigrants. Through the *Pompeo* lawsuit, the application of this rule, as well as the Trump Administration’s unlawful proclamation barring access to immigrants without certain “approved” health insurance coverage, has been halted at embassies around the world. But the public charge rule continues to be used against green-card applicants inside the U.S. while our win in the *Cuccinelli* case is stayed by the U.S. Supreme Court.

[Make the Road New York v. Cuccinelli](#) was 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 Healthcare Proclamation, which blocks immigrants without certain approved health care coverage from entering the U.S., and was filed against the Department of State by the Center for Constitutional Rights, The Legal Aid Society, The National Immigration Law Center (NILC), and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, on behalf of Make the Road New York, African Services Committee, Central American Refugee Center - New York (CARECEN-NY), Catholic Charities Community Services, and Catholic Legal Immigration Network, Inc. (CLINIC).

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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. 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.

Established in 1979, the National Immigration Law Center (NILC) is one of the leading organizations in the U.S. exclusively dedicated to defending and advancing the rights of immigrants with low income. For more information, visit www.nilc.org.