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## ***Immigrant Rights Groups React to SCOTUS Taking Up Public Charge, Call on Biden to Rescind Rule***

### ***Amid Pandemic, Rule Exacerbates Fear of Seeking Services***

February 22, 2021, New York – This morning, the United States Supreme Court agreed to hear the government's appeal of a preliminary injunction against the Department of Homeland Security public charge rule. The rule, put in place by the Trump administration to create a wealth test for immigrants seeking lawful permanent residence, deters a wide range of immigrants from seeking services to which they are entitled, including health care, testing and treatment for COVID-19, and vital food and medical assistance for their children. The immigrant and civil rights groups challenging the rule in the case, *Make the Road New York v. Renauld* (formerly *Make the Road New York v. Cuccinelli*), released the following statement:

As we approach 500,000 COVID deaths, the Trump administration's discriminatory and unlawful public charge rule continues to create fear and deter people from seeking health care and food assistance, inflicting great damage in a time of health crisis. The Biden administration must rescind the rule immediately and should withdraw all pending government appeals defending the rule, including its appeals to the Supreme Court; every day that passes causes more harm to immigrant communities and impedes efforts to curb the spread of the coronavirus, particularly among low-income communities of color. This must be a priority. The rule's racist history and its imposition of a wealth test on immigrants make it one of the Trump administration's most lethal policies.

*Make the Road New York v. Renauld* was consolidated with a similar case brought by the states of New York, Connecticut, and Vermont, and together they are captioned as *DHS v. State of New York*.

The Trump administration’s public charge rule is effectively a wealth test for noncitizens seeking lawful permanent resident status or entry into the U.S. The rule redefines 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 in its discretion likely to receive even small amounts of a wide range of cash or non-cash benefits—at any point in the future, even temporarily, and even long after becoming a U.S. citizen. These include food assistance, health care, and housing assistance. Potential “public charges” are then denied lawful permanent residence under the rule.

The case documents 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 lawsuit alleges that these changes were motivated by animus towards non-white immigrants.

[Make the Road New York v. Renauld](#) (formerly *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).

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