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

***Trump Administration’s Public Charge Rule Blocked;
Immigrant Advocate Plaintiffs Welcome Biden
Administration’s Decision to Withdraw Appeal in U.S.
Supreme Court***

*Immigrants Can Now Access Life-Saving Services Without Fear or
Immigration Penalty*

(NEW YORK, NY) – Immigrant rights groups litigating against the Trump Administration’s “public charge” rules—including **The Legal Aid Society, Center for Constitutional Rights,** 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, and Catholic Legal Immigration Network, Inc. (CLINIC)**—today released the following statement addressing the Biden Administration’s [withdrawal](#) of the government’s Supreme Court appeal of lower court orders finding the Department of Homeland Security public charge rule unlawful:

“The Biden Administration has rightly withdrawn the government appeals of appellate court decisions enjoining the Trump DHS’s public charge rule, clearing the way at last for this unlawful rule to no longer be enforced. Immigrant families can now access life-saving health care, food, and housing assistance for which they are eligible without fear that they will lose the chance to obtain lawful permanent residence, because the actions today mean that the harmful Trump public charge rule will again be blocked. The Trump rule erected an invisible wall in the form of a wealth test that discriminated against people on the basis of race as a condition for regularizing their immigration status. This rule invited arbitrary, biased decision making. And because of the public charge rule, immigrant families have been living in fear of using essential benefits like healthcare, despite serving as frontline workers who have been among those hardest hit by COVID-19.

“Since 2019, we have been fighting the blatantly racist and xenophobic public charge rule in court and through community education. We will do everything possible to encourage immigrant communities to seek the health care, food, and housing assistance for which they are eligible and which are especially important during this economic and public health crisis.”

BACKGROUND

The Trump Administration’s public charge rules created a wealth test for noncitizens seeking lawful permanent resident status or entry into the U.S. The rule unlawfully redefined the term “public charge,” transforming it from a term that Congress intended to apply to only a narrow category of people who are institutionalized or otherwise primarily or wholly dependent upon public cash assistance, to instead include anyone the immigration service deems 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 after becoming U.S. citizens. These include food assistance, health care, and housing assistance. Potential “public charges” would be denied entry into the U.S. or lawful permanent residence, and would be unable to change or extend their status within the U.S.

Judge Daniels of the Southern District of New York enjoined the Department of Homeland Security rule in October of 2019, but the Supreme Court stayed the injunction on January 27, 2020, and the rule went into effect a month later. The Second Circuit Court of Appeals affirmed the injunction in August of 2020, finding that the Trump Administration’s rule undermined Congress’s “unambiguous” intent. The dismissal of the appeal in the Supreme Court today lifts the stay on the injunction in New York, Connecticut and Vermont.

Make the Road 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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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.