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PUBLIC CHARGE LEGAL FIGHT ENDS

Victory for Immigrant Communities Nationwide as U.S. Justice Department Drops Defense in Illinois Case

CHICAGO— Today, the ongoing public charge litigation battle has ended and the Trump rule can no longer be enforced. The United States Department of Justice today filed motions to dismiss its defense of the Trump public charge rule, ending a nearly two-year legal battle and invalidating the rule nationwide. The public charge rule has effectively denied millions of immigrant families health care and economic support--a particularly cruel impact during the COVID-19 pandemic.

Last month, President Biden, through executive order, directed the Department of Homeland Security and the State Department to reconsider the public charge regulations and other rules that harm immigrant communities. Those efforts will continue.

Cook County, Illinois et al. v. Mayorkas et al. filed in the Northern District of Illinois challenged the Department of Homeland Security's public charge regulation arguing that the regulation violates the Administrative Procedure Act and the Equal Protection Clause of the Fifth Amendment to the U.S Constitution and discriminates against immigrants of color. The Shriver Center on Poverty Law, Legal Council for Health Justice, National Housing Law Project, and Sidley Austin LLP brought the case on behalf of the Illinois Coalition for Immigrant and Refugee Rights (ICIRR.) The Cook County State's Attorney's Office and Goldberg Kohn Ltd brought the case on behalf of Cook County. **The Illinois District Court's November 2, 2020 order vacates the 2019 rule nationwide and now applications for admission to the US will be evaluated under the 1999 Interim Field Guidance on public charge.**

“After years of fighting against the public charge rule, the immigrant community takes home a hard earned win,” said **Luvia Quiñones, Director of Health Policy at the ICIRR**. “Today, we celebrate that immigrants can seek public benefits without fearing future repercussions, and that immigrants will not be barred from gaining status because they are too old, too young, not educated enough, or not wealthy enough. This is the first step to rebuilding trust between immigrants and the government, which is especially crucial as we work to finally bring an end to the pandemic.”

Cook County State’s Attorney Kim Foxx noted, “We are relieved and grateful for today’s hard-fought win. This rule should never have been put in place. No one should live in fear that accessing critical food, housing, and health care resources will threaten their immigration status. I am proud to be a part of the brave team that took on this fight and saw it through to a victory.”

“Today marks the end of a dark chapter of a cruel policy against low-income immigrants of color,” said **Militza M. Pagán, Staff Attorney at Shriver Center on Poverty Law**. “Families should not have to worry if securing their medical needs and their next meal will jeopardize their stay and future in this country. The end of this rule will provide immigrant communities much needed relief during an extremely difficult time.”

“Wise public policy should encourage all people to access public services, not engender confusion and fear,” said **Caroline Chapman, Senior Director of Policy and Advocacy at Legal Council for Health Justice**. “Trump’s rule has had devastating effects on public health in communities of color and may continue to cast a shadow over immigrant communities for years to come. We welcome the Biden-Harris Administration’s steps today and encourage the Administration to continue to work as diligently to mitigate these harms as the previous administration worked to create them.”

“During and after the pandemic, we must ensure that all families have their basic human rights and needs met, including access to food, healthcare and a home,” said **Shamus Roller, executive director of the National Housing Law Project**. “This must be a top priority for the Biden-Harris Administration and for state and local government nationwide.”

“We are gratified that the Illinois district court’s order—which protects immigrants from having to choose between their immigration status and their health—is now the law throughout the United States,” said **Tacy Flint of Sidley Austin LLP**.

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Established in 1986, the **Illinois Coalition for Immigrant and Refugee Rights** is a statewide coalition of more than 100 organizations dedicated to promoting the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society.

The **Shriver Center on Poverty Law** fights for economic and racial justice. Over our 50-year history, we have secured hundreds of victories with and for people living in poverty in Illinois and across the country. Today, we litigate, shape policy, and train and convene multi-state networks of lawyers, community leaders, and activists nationwide. Together, we are building a future where all people have equal dignity, respect, and power under the law. Join the fight at povertylaw.org.

Legal Council for Health Justice uses the power of the law to secure dignity, opportunity and well-being for people facing barriers to reaching their full potential due to illness and disability. Our programs partner with health and hospital systems to train and support the care provider network, provide direct representation to referred patients and conduct systemic advocacy to promote health equity among populations living with chronic conditions. For more information, visit legalcouncil.org.

The **National Housing Law Project** is dedicated to advancing housing justice for poor people and communities. NHLP achieves this by strengthening and enforcing the rights of tenants, increasing housing opportunities for underserved communities, and preserving and expanding the nation's supply of safe and affordable homes.