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Appeals Court Ruling Reckless, Advocates Warn

WASHINGTON – A federal appeals court Monday lifted the second of four court orders blocking implementation of the Trump administration’s public charge regulations, which threaten the health, nutrition, and housing of [millions of families](#). Yesterday’s order by the U.S. Court of Appeals for the Fourth Circuit follows last week’s ruling by the Ninth Circuit lifting another injunction.

One nationwide injunction remains in place, keeping the rule blocked for now. The administration has asked the Second Circuit to lift that order, and it has asked the Seventh Circuit to lift the remaining, more limited injunction in place in that circuit, which would allow the administration to implement the regulations.

“Just this past October, courts across the country blocked this devastating regulation from harming families, and for good reason: it is both legally and morally bankrupt. As a lawyer, and as an immigrant, I am deeply disappointed,” said Marielena Hincapié, executive director of the National Immigration Law Center. “Although this is a difficult day for the legal battle, the public charge regulation remains blocked and the fight to protect immigrant families is far from over. We will continue to fight — both in the courtroom and along with our communities — for dignity for all.”

“The public charge regulations are about telling immigrant families that if you’re not white and you’re not wealthy, you’re not welcome — that means it’s against the law,” Hincapié said. “We will continue to fight Trump’s effort to redefine who is considered worthy of being an American and what we look like as a nation. We won’t stop until we win and all families have the opportunity to live healthy lives and thrive.”

The public charge regulations were finalized by the U.S. Department of Homeland Security in August, despite receiving a record-breaking 266,000 public comments, the overwhelming majority of which opposed the proposed changes to the regulations. The regulations represent a drastic departure from how the public charge test was previously administered, and they were opposed by experts who predicted that they’d result in large-scale increases in poverty, hunger, and unmet health and housing needs.

Since then, the regulations have already done considerable harm. In addition to the first [uptick in America’s child uninsured rate](#) in more than a decade, the Kaiser Family Foundation reported last month that [about half of community health centers reported people declining or cancelling coverage](#) because of the public charge regulations. Anecdotal accounts nationwide suggest similar harm with respect to anti-hunger programs. Experts expect the fear resulting from the appellate rulings will deepen the chilling effect.

“By fueling fears, as families all over our country gather together for the holidays, this reckless order puts the food, medical care, and homes of millions at risk,” said Jeffrey Caballero, executive director of the Association of Asian Pacific Community Health Organizations ([AAPCHO](#)) and a member of the [Protecting Immigrant Families Campaign](#) steering committee. “The regulation itself directly affects only a small number of people, but the Trump administration is counting on fear to amplify the harm. Don’t let Trump win — fight fear with facts and make the best decision to protect your family. Then keep fighting, by making sure you’re counted in the 2020 census and, for the millions of U.S. citizens in immigrant families, by registering to vote and to turning out on election day.”

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